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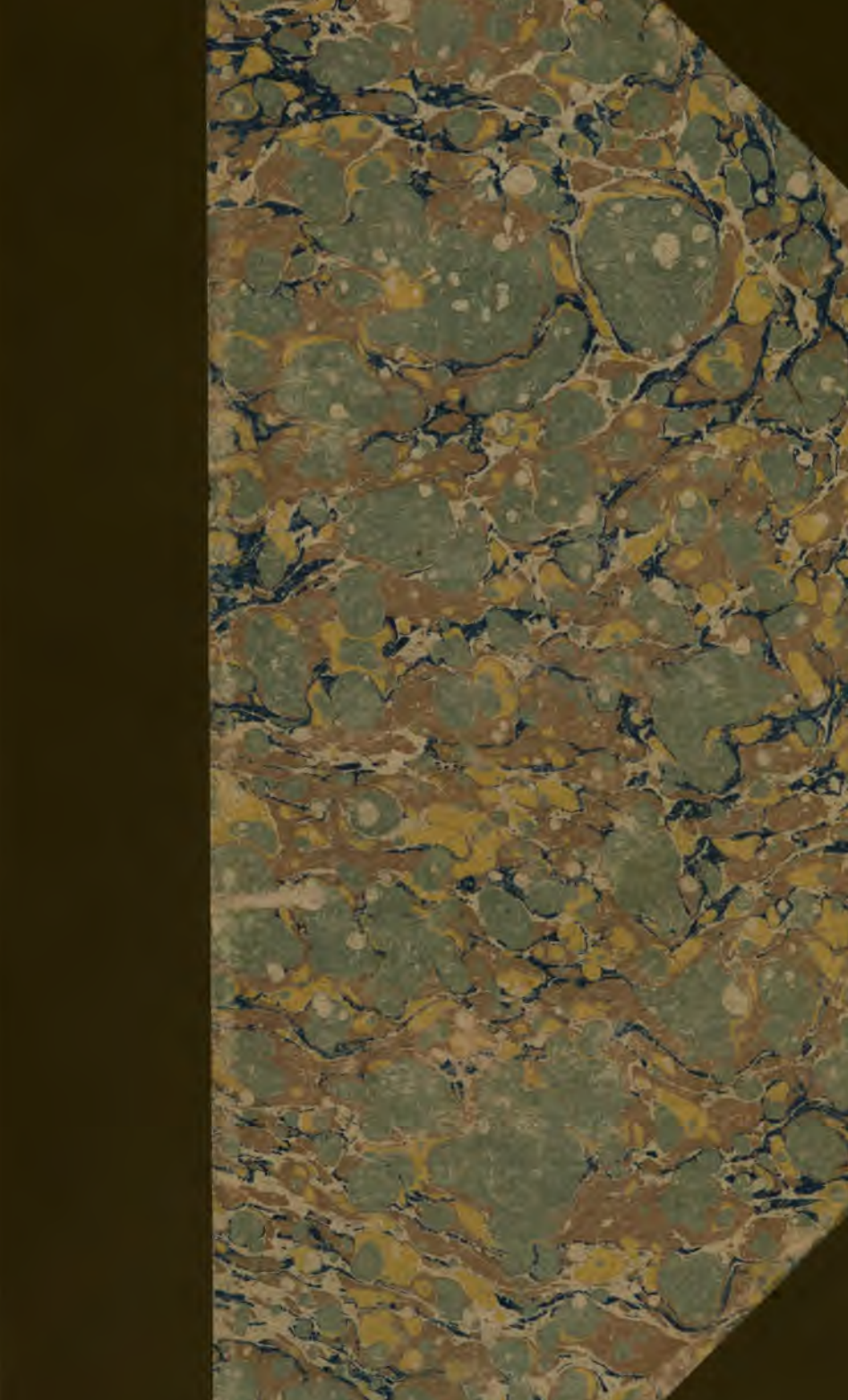

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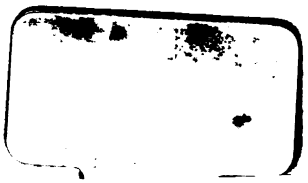

AMERICAN ENCROACHMENTS

ON

British Rights;

OR,

OBSERVATIONS ON THE IMPORTANCE OF THE BRITISH NORTH AMERICAN COLONIES.

AND

ON THE LATE TREATIES WITH THE UNITED STATES:

With REMARKS on Mr. BARING'S EXAMINATION;

AND

A DEFENCE OF THE SHIPPING INTEREST

FROM THE CHARGE OF HAVING ATTEMPTED

TO IMPOSE ON PARLIAMENT,

AND OF FACTIOUS CONDUCT IN THEIR OPPOSITION TO THE AMERICAN INTERCOURSE BILL.

By NATHANIEL ATCHESON, Esq. F.A.S.

"Disturb not one another with domestic disputes; but remember that we are English, and our enemies are foreigners. Enemies; which, let what party soever prevail, it is equally the interest of our country to humble and restrain."

DR. JOHNSON'S LIFE OF ADMIRAL BLAKE.

LONDON:

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1808.

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TO

THE RIGHT HON.

JOHN LORD SHEFFIELD,

&c. &c. &c.

THE FOLLOWING OBSERVATIONS

ON THE IMPORTANCE AND RESOURCES

OF THE BRITISH NORTH AMERICAN COLONIES,

AND

ON THE NECESSITY OF ADHERING

TO THE NAVIGATION AND COLONIAL SYSTEM

AND OF

ENFORCING THE OTHER MARITIME REGULATIONS

OF

GREAT BRITAIN,

&c. &c. &c.

ARE MOST RESPECTFULLY INSCRIBED

BY HIS LORDSHIP'S

MOST OBEDIENT AND FAITHFUL SERVANT,

THE EDITOR.

Austin Friars,
29th April, 1808.

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ERRATA.

In page xxxvi, *fifth* line, for *his*, read *this*.
——— xcii, dele *and* in the sixth line from the bottom.
——— xcvii, in the last line insert *be* before *totally*.
In Appendix, p. 185. *the balance should be* £2219. 4*s*. 10*d*. and not £104. 2*s*. 9*d*.

DIRECTIONS TO THE BINDER.

(A) Table of duties on articles imported from the United States compared with the duties on the same articles from other places to be opposite to p. xxxviii.

(B) Summary of American exports opposite p. xcv.

Extract from Mitchell's map to be opposite p. 16. Appendix, No. I. (A).

The map of Passamaquoddy Bay, p. 45, ditto.

AMERICAN ENCROACHMENTS

ON

BRITISH RIGHTS,

OR,

Observations on the Importance of the British Colonies in North America, and on the late Treaties with the United States, with Remarks on Mr. Baring's Examination, &c. &c. &c.

Ah what must those immortal spirits think
Of your poor shifts? Those, for their country's good,
Who fac'd the blackest dangers, knew no fear,
No mean submission, but commanded peace.
Ah how with indignation must they burn;
(If aught, but joy, can touch etherial breasts)
With shame! with grief! to see their feeble Sons
Shrink from that Empire o'er the conquer'd seas,
For which their wisdom plann'd, their councils glow'd,
And their veins bled thro' many a toiling age.

Thomson's Britannia.

THE connexion which had so long subsisted between Great Britain and the countries now forming the United States of America, having been finally dissolved, by the acknowledgement of their Independence in 1783, the commercial system arising out of that connexion, of course, ended with it; and the laws, by which the trade of these countries, considered as colonies, had hitherto been regulated, ceased to have effect: it was therefore necessary, not only to define and limit, by treaty, the boundaries of those parts of the United States which were contiguous to the remaining British Provinces in America, but also to adopt new principles, on which a system of commerce between the two nations might be founded.

Considerable difficulties occurred in the arrangement of the limits of the United States, which were afterwards

settled by the treaty of 1783*. The commercial regulations between the two countries were never permanently established, and the trade between Great Britain and the United States was regulated and carried on, from the year 1783, under the powers given by the 23d Geo. 3d. chap. 39, and by the 24th Geo. 3d. chap. 45, by orders in council, until the act of the 37th Geo. 3d. chap. 97, which passed 4th July 1797.

Scarcely had the American war terminated, when Great Britain and the United States, charged each other, with having violated the treaty of peace. On the construction of several articles of that treaty, and especially as to the boundaries of the United States, there existed great difference of opinion†. The British Government remonstrated with them, on their infringement of the fourth, fifth, sixth and other articles of the treaty, in consequence of which they continued to retain possession of the posts on the American side of the great lakes, and as those posts gave their possessors a decided influence over the Indian tribes, it produced no inconsiderable degree of irritation amongst the subjects of the United States, who charged the British with encroachments on the *Eastern* Frontiers of their territory; for on that side, they stated, the river *St. Croix*, from its source to its mouth, in the bay of *Passamaquoddy*,

* Post, Appendix, No. 1. (B.)

† *Mr. Mackenzie* in his History of the *Fur* Trade, quarto edition, p. 58, observes,—

"That *Lake du Bois* is rendered remarkable in consequence of the *Americans* having named it, as the *spot* from which a line of boundary between them and *British America* was to run west, until it struck the *Mississipi*, which, however, *can never happen*, as the north west part of the *Lake du Bois* is in latitude 49, 37 north, longitude 94, 31 west, and the northernmost branch of the source of the *Mississipi*, is in latitude 47, 38 north, and longitude 95, 6 west, ascertained by *Mr. Thomson*, astronomer to the *North West Company*, who was sent expressly for that purpose, in the spring of 1798. He in the same year determined the northern bend of the *Mississeiry* to be in latitude 47, 32 north, and longitude 101, 25 west, and according to the Indian accounts, it runs to the south of west, so that if the *Mississoury* were even to be considered as the *Mississippi*, no western line could strike it!"

See also *Mr. Burke's* observations on the competency of the persons appointed to negotiate the *first treaty* with America, which he stiled "a *Geographical Treaty*," in the debate of the 7th March, 1783.

to be the *real* boundary between the two nations. Three rivers of that name empty themselves into that bay. The Americans *claimed* the *most eastern*, as the *real* St. Croix; yet settlements were actually made under the authority of the governors of Nova Scotia and New Brunswick to the middle of the river, and the town of St. Andrew was established on its banks*; but the cause of the greatest disquiet was, as they alledged, the commercial system pursued by Great Britain, when by her acknowledgement of the Independence of America, they became a distinct and independant State. For consistently with the treaties, then in existence between Great Britain and other powers, and mindful of her own safety as a Maritime State, the subjects of the United States could not be put on a *more favoured* footing with respect to navigation and trade, than those nations with whom such treaties existed; though there were, certainly, discriminations introduced *highly favourable*† to the United States, which, in the opinion of many persons‡ of great distinction and ability, were deemed contrary to the spirit and faith of those treaties.

Subsequent negotiations were entered upon, to ascertain and define the *actual* boundaries of the United States, but without effect, except as to the boundaries of the river St. Croix, which were defined and settled in 1798, by commissioners appointed for that purpose¶; yet notwithstanding the declaration of the commissioners, which unequi-

* Mr. Justice Marshall's Life of General Washington, London edition.

† Mr. Smith, of South Carolina, in a debate in Congress on the resolutions, which were attempted to be passed, adverse to the trade of Great Britain, observed—"That the commercial system of Great Britain towards the *United States* far *from being hostile* was friendly, and that she made many discriminations in their favor. *France*, on the contrary, placed them on a better situation than her rival, *only in one solitary instance*, the unimportant article of *Fish Oil!!*"—Vide Mr. Justice Marshall's Life of General Washington.

‡ See the elaborate speech of Lord Auckland on the 7th March, 1783, on the bill for the provisional establishment and regulation of the trade, &c. between Great Britain and the United States. Collection of debates on the Navigation System, octavo edition, 1808, page 10.—Also Mr. Fox's speech in the same debate, and Lord Sheffield on American Commerce, sixth edition, page 3.

¶ *Appendix* No. 4, for the declaration of the commissioners as to the *river* St. Croix.

vocally ascertained the river *St. Croix*, to be the river mentioned in and intended by the treaty of 1783, and forming a part of the boundary therein described, it appears, that on the 12th of May, 1803, a convention* was entered into between his Majesty and the government of the United States, by which, amongst other things, the islands in *Passamaquoddy bay* were ceded to and declared to belong to them: that convention, fortunately for the interests of Great Britain, *was not ratified* by the American government, and it is hoped, *Mr. Merry's* prediction, that this arrangement will be confirmed, whenever the matter of the boundary line between the two territories, shall again be brought into discussion, will not be verified; though the article respecting the *Eastern* boundary on the side of New Brunswick, according to Mr. Merry's statement, did not occasion the refusal to ratify this *most improvident* concession†.

The right to these islands, therefore, most indisputably continues in his Majesty; and for the honor of the nation, as well as the interests of the loyal inhabitants of Nova Scotia and New Brunswick, it is to be expected, that right will *never* be abandoned or conceded to the United States; who in their negotiation with the late ministry, appear to have succeeded in impressing on their minds the propriety of allowing their former unfounded claims to be revived; for the 2nd article‡ of the rejected treaty, confirms the first ten articles of the treaty of 1794, though the fifth article of it states, "that doubts had arisen what river was truly intended under the name of the river *St. Croix*, and provides for ascertaining the true river *St. Croix*, and the latitude and longitude of its mouth and source;" *notwithstanding* the *true* river *St. Croix*, with the *correct* latitude and longitude of its mouth and source had, by their own commissioners, specially appointed for that purpose, jointly with the British commissioners, on personal survey, been subsequently ascertained, certified and agreed to; which

* The editor has not been able to procure a copy of this convention, but vide Mr. Merry's letter, in the Appendix, post page, 110.

† Appendix No. 7, for the address of the Council and House of Representatives of New Brunswick on this subject.

‡ Appendix, No. 9.

appears by their declaration of the 25th October, 1798*; although the same article of the treaty of 1794, under which the commissioners were appointed, expressly stipulated that the two nations shall consider their decision "as final and conclusive, so that the same shall *never thereafter* be called into question, or made the subject of dispute or difference between them." An inconsistency on the part of the United States, to use no harsher expression, which, it is presumed, requires only exposure to prevent the artifice from again succeeding, and a negligence and inattention on the part of the late ministers, meriting the severest reprehension†!

The subjects of the United States, however, still continue in possession of Moose Island, Dudley Island and Frederick Island‡, in Passamaquoddy Bay; on the latter island they have erected a custom-house and other establishments, and within a very few years their population has encreased from 200 to near 2000 inhabitants, threatening destruction to the legitimate trade of his Majesty's provinces, and to their great annoyance in case of hostilities; whilst they protect and even encourage deserters from his Majesty's navy and army, and most insolently resist all attempts for their recovery. Not content with these usurpations, and determined to extend their encroachments, the government of the United States, it is understood, also claim a right to the waters between Dudley Island and Campo-bello Island.

The fourth article of the treaty of 1794, after mentioning, that "it is uncertain whether the Missisippi extends, so far to the northwards, as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace," *provides* "for a joint survey of the northern part of that river," *and* "agrees that if on the result of such survey it should appear that the said river would not be intersected by such a line, the parties would *regulate* the *boundary* in that quarter by future amicable negotiations." Yet it is evident from

* Appendix, No. 4.

† See an *American* tract, intituled "The British Treaty, p. 19, reprinted by Mr. Stockdale, junior, which shews the importance of these islands in the estimation of the United States; also Decius's letters on the late treaty, page 5.

‡ Lord Sheffield's Strictures, 2nd edition, chap. 9, wherein this subject is treated at large.

the 2d article of the treaty, entered into by the late ministers with the United States, notwithstanding the imperative necessity of definitively settling, by treaty, this and other parts of the boundaries, the same were deferred for *future* discussion and negotiation! though it appears a survey made subsequently to 1794, by the British merchants established in Canada, under the name of the North West Company, had proved that a line due west from the Lake of the Woods would run north of the Missisippi, so that no further measures were needful to ascertain that point *.

Thus, some of the most important points were left open and undefined, whilst others were deferred for discussion at a future period, notwithstanding the injuries sustained by his Majesty's subjects in North America, from the want of proper regulations on these subjects; though their urgency and necessity had been at different periods most strongly represented to the British government by the inhabitants of Canada, Nova Scotia, and New Brunswick.

Nor was there greater circumspection or precaution observed by the late ministers, as to the vexatious conduct adopted by the officers of the United States towards British subjects engaged in the Fur Trade, and navigating the Missisippi and other rivers, nor were any regulations agreed upon, to relieve them from the charges and duties† which the United States had imposed upon them, though particular representations had been made, in that respect, to the British commissioners appointed in 1806 to negotiate in London with the American commissioners. The 3rd article of the treaty of 1794, gives to each party the right of *passing through the territories of the other in America*, except within the limits of the *Hudson's Bay* company, and contains the following clause, "But it is understood that this article does not extend to the admission of vessels of the United States into the *sea ports*, harbours, bays or creeks of his Majesty's said territories, as are between the mouth thereof and the highest port of entry *from the sea*, except in small vessels trading *bonâ fide* between Montreal and Quebec, under such regulations *as shall be established* to prevent the possibility of any frauds in this respect, nor to

* Tract entitled "The British Treaty," page 19, 36, &c. see also Decius's letters.

† Decius's letters, page 57.

the admission of the British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river *Mississippi* shall, however, according to the treaty of peace, be entirely open to both parties: and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of his Majesty in Great Britain." Yet the merchants and other inhabitants of Canada continue to experience the most serious inconveniencies, and are subject to the most enormous exactions, from the want of proper regulations in their intercourse with the subjects of the United States, and no arrangement whatever in this respect appears to have formed any part of the late treaty; for previous to the signature of it, *two notes* were given by the British to the American commissioners. The first keeps open, for *future* discussion, the claim of Great Britain *not* to pay more on goods sent *from* Nova Scotia, or New Brunswick, unto the territories of the United States, than is paid on the importation of such goods in American ships*. The second note relates to the French decree of blockade.

The trade between Nova Scotia and New Brunswick with the United States, has hitherto been carried on in British vessels, except the illicit trade at the islands in Passamaquoddy Bay; but the colonists think there are strong grounds to believe it was the intention of the late administration to have admitted *American* ships into a participation of that trade, and to an entry into the *sea ports* of these provinces. The American newspapers † undisguisedly announce the expectation formed by the citizens of the United States in this respect; and British ships laden with plaister, and other articles, the produce of the provinces, were last year, in consequence of it, unable to dispose of their cargoes in the American ports at the prices previously contracted for. The apprehension of this intercourse in American ships, *by sea*, has created the most serious alarm throughout Nova Scotia, and New Brunswick and strong representations are stated to have been made to his Majes-

* The British Treaty, page 24, also Decius's letters on the late treaty.

† New York Gazette of 26th November, 1807, &c.

ty's government on the subject *. It is thought this alteration was intended to be introduced on the same principle on which the American Intercourse Bill was attempted to be justified; but the slightest enquiry into the actual state of the British North American provinces will shew, that, however the West India Islands may be supposed to require supplies in *American* bottoms, the former do not stand in need of any such assistance. British vessels trading from Nova Scotia and New Brunswick to the United States, at present pay a duty of 5 *s.* per ton, on entry, and an additional duty of £10. per cent. on their cargoes, over and above the duties payable on the same articles when imported into the United States in American vessels.

The fifth article of the late treaty is considered to apply only to the Atlantic ports of the United States, and is the same as the 15th article of the treaty of 1794, with two exceptions; the first gives to the United States, the right previously reserved to Great Britain, of imposing a tonnage duty equal to that which shall be imposed by the other party. The second is a substitution of a new clause for the reservation formerly made by Great Britain of "the right of imposing on American vessels entering into British ports in Europe, such duty as may be adequate to countervail the difference of the duty now payable on the importation of European and Asiastic goods, when imported into the United States in British or in American vessels." Instead of which the following words are inserted, and constitute part of the fifth article of the *late* treaty, "that in the trade of the two countries with each other, the same duties of exportation and importation of all goods and merchandize, and also the same drawbacks, and bounties shall be paid and allowed in either country, whether such importation or exportation shall be made in British or American vessels." †

The boundaries of Canada were intended to have been

* Extract of a letter from St. John's, New Brunswick, 19th Nov. 1807.—"Compared to this blow, all the encroachments they have been hitherto allowed to make upon our rightful trade are nothing. This measure, if carried into effect, must reduce us to a state of complete dependence on the United States: all our imports will come from them, and to them will all our produce be sent. Our navigation will be annihilated, and our means of supplying the West India Islands totally destroyed."

† Appendix, No. 9.

fixed according to the natural division of the country, and the course of the lakes and waters; but the persons appointed for that purpose by the British government were unacquainted with its geographical situation, and acceded to the limits defined in the second article of the treaty of 1783, notwithstanding there were many other lines much more natural, but none more injurious to Great Britain, or more beneficial to the United States; by the eighth article of that treaty, it was stipulated that the navigation of the Missisippi should for ever remain free and open to the subjects of both parties. By this line of division, the ports of Michilimakinac, Detroit, and Niagara, were surrendered to the United States, yet it was not in their power to deprive Great Britain of the Indian or fur trade, carried on to the countries, to the southward of the lakes, and across the Missisippi to the Misouris, in the Spanish territories, the trade of those countries being prosecuted through those posts, without a breach of the treaty; they however now attempt to restrict the intercourse on the western side of the Missisippi in consequence of their recent acquisition of Louisiana. *

The government of the United States having failed in the just performance of some parts of the treaty of 1783, those

* See a pamphlet which is highly deserving of serious attention, entitled "An Address to the Government of the United States, on the "Cession of *Louisiana* to the French, and the Memorial on the Cession "of the *Mississippi* to that Nation." Edition, Philadelphia, 1803. This work, which developes the views of the French government, having been suppressed in America, is worthy of reprinting, and some persons here connected with the British interest on that continent have copies of it. Mentioning the cession of *Louisiana* to the French, the writer observes,—"As to *England*, all the *disadvantages* with "which this event is said to menace them *are real*. All the consequences just predicted, to her colonies, to her trade, to her navy, "to her ultimate existence, will indisputably follow. The scheme "is eligible to us (France) chiefly on this account; and these consequences, if they rouse the English to a sturdier opposition, ought "likewise to stimulate the French to more strenuous perseverance." Of the importance of the Missisippi, the author says, "The prosperity of our colony will, indeed, demand the *exclusive* possession "of the river." Again, "The master of the Missisippi will be placed "so as to controul, in the most effectual manner, these internal "waves," meaning the dissensions between the citizens of the United States. This is an able tract, and evidently the production of a person conversant in the politics of France. See a project respecting Louisiana in the Collect. of Reports, &c. on Navigation, edit. 1807, Supplement, No. 1; also Mr. Rufus King's Letter to Lord Hawkesbury,

posts * were, as before observed, retained by Great Britain, and the Canadian traders continued to enjoy the fur trade, extending their intercourse to the *Spanish* territories of *Louisiana* across the *Mississippi*, until by the treaty of 1794 † it was finally agreed to give up the posts; it was, however, stipulated by the 3d article of that treaty, that it should, nevertheless, be free to the subjects of both countries, and to the Indian nations, to pass and repass without restraint, and to carry on trade on *either side* of the *boundary line*, into the respective territories of the two states on the continent of America. The freedom of the navigation of the *Mississippi* was also confirmed, and it was agreed that all the posts and places on its *eastern* side might be freely resorted to and used by both parties. It was further established by an ‡ explanatory article of May, 1796, "that no stipulations in any treaty, *subsequently* concluded by either of the contracting parties, with any *other* state or nation, or any Indian tribe, should be understood to derogate, in any manner, from the rights of the free intercourse and commerce, secured by the 3d article of the treaty of 1794."

Since the surrender of the posts, the Canadian fur merchants, from their experience, superior capital, and knowledge of the business, and from some local advantages, of which they are not yet deprived, have continued to command a large portion of the fur trade, which is now carried on by them, from settlements formed on the *British side* of the boundary line; but in consequence of the acquisition of *Louisiana* by the United States, all intercourse with that part of it, extending to the west side of the *Mississippi* has recently been *prohibited* to all persons *who will not abjure their allegiance*, and *become citizens of the United States*, which the Canadians contend is an infraction of the treaty of 1794, as well as of the explanatory article of 1796.

The situation of the American *ports of entry* on the lakes and rivers, forming part of the boundary lines of the two countries, and the difficulty of observing rigidly those regulations with regard to the approach of shores or ports, which

15th May, 1803, and the Answer to it of the 19th of that month in the Official Papers.

* See Mr. Justice Marshall's Life of General Washington.

† See Appendix, No. 2.

‡ See Appendix, No. 3.

are applicable to their *Atlantic ports*, seem to have been fully in the contemplation of the two governments at the time of forming the treaty of 1794, and of the explanatory article of 1796; for it appears the greatest anxiety to establish the most perfect freedom of commerce and intercourse, and to avoid all vexatious impediments, was manifested on both sides; the revenue officers of the United States have, however, from time to time, attempted to *exact duties*, upon goods crossing the portages; such demands have been generally resisted by the Canadian traders, upon the ground stipulated by the *fourth paragraph* of the third article of that treaty, and these attempts have led to the establishment of portages within or upon the British boundaries, in order, completely, to avoid such causes of discontent; but notwithstanding, it is still necessary *to secure the neutrality of the lakes and waters*,* in order to prevent future seizures of vessels of any description, on pretext of their too near approach to any particular port or shore, which from the nature of the country and the navigation is frequently unavoidable, without the least intention of infringing the revenue laws of the United States.

The government of the United States charge a tonnage duty upon entering the *inland* ports, as they do upon entry at their *maritime* ports, and the difference between British and American bottoms, though a trifling object, denotes their fiscal exactness; for it certainly was not attempted to be countervailed by any duty on the part of his Britannic Majesty, as was the case with respect to the tonnage duty in their *Atlantic* ports, as counteracted by the act of the 37th Geo. 3. cap. 97. sect. 17. Though the amount of this tonnage duty is a very trifling acquisition to the revenue of the United States, it operates as a vexatious obstruction to the *inland* trade, which it is highly desirable to keep free from such restrictions. The same observations apply to the charge made for passes for every canoe, in which furs are brought down from the interior on the American side of the line.

The third article of the treaty of 1794, permitted goods to be imported *from* the United states into Canada, 'on the *same terms* as those imported by his Majesty's subjects from Great Britain and its dependencies, whilst duties, amounting to more than *twenty per cent.* were charged on importations

* See the importance attached to these lakes by the Americans in the tract called the British Treaty, p. 34, &c.

into the United States from Canada, for which there was no remedy, as the limited power of the colonial legislatures precludes their levying duties on imports from the United States, different from those imposed on imports from Great Britain into the colonies. That stipulation has, therefore, enabled the subjects of the United States to supply Canada with teas, East India goods of all sorts, West India produce, and various articles of European and American manufacture to a very great extent; although this traffic, so beneficial to the commerce and navigation of America, is contrary to the colonial system of Great Britain, and injurious to the interests of various classes of his Majesty's subjects, and gives effect to the trade which the citizens of the United States are unfortunately allowed to carry on with the British East India settlements, which it would be an infringement of the company's charter to grant to any of his Majesty's subjects; whilst it is contrary to the spirit of the 13th article of the treaty of 1794, which *restricted* the introduction of East India goods to the *territories* of the United States *only**. The demand for such commodities will naturally increase with the growing population and wealth of the King's North American provinces, and will become every year an object of greater importance to the United States.

By the *second paragraph*, of the same article, of that treaty, it is evidently intended *not* to admit articles entirely prohibited; but no goods whatever *from* Great Britain are prohibited to be imported†; and therefore, under the stipulations of that article of the treaty, any kind of goods may be imported

* See the Judgment in Wilson v. Marryat, Ex. C. May 1799, wherein the Lord Chief Justice Eyre censures the Concession to America of a free Trade to India.

Extract from a letter from Kingston, Jamaica, dated the 2d of March, 1808.—" The quantity of nankeen cotton cloth alone consumed in this Colony and in the Leeward Islands, has been computed to be in a ratio of ten to one of *smuggled* from the *United States*, against that imported in English Bottoms; and which the officers of Custom-house with all possible vigilance cannot by any means prevent. There are so many means of landing and vending those articles that no vigilance can prevent it. The quantity of other East India goods and foreign silks is beyond calculation."

† It is to be recollected that this relates to *inland* trade, as the subjects of the United States are *not* allowed to trade *coastwise* with the king's colonies, and it is expected the policy of this most salutary restriction will *never* be lost sight of by the government of Great Britain, and that under no circumstances whatever will the Americans be allowed to trade *coastwise* with the provinces. See the 28th Geo. 3. c. 6. s. 12. which ordains that no goods shall be imported *from* the United States into the provinces of Nova-Scotia, or New Brunswick, the

from the United States into Canada; from whence they are enabled considerably to undersell various articles *directly* imported into that province from Great Britain; therefore on principles of reciprocity, as not any articles whatever, excepting furs or peltries can be exported from Canada, into the *inland* ports of the United States without payment of duties, so with the same exception goods should not be allowed to be imported into Canada by land or inland navigation from the United States without payment of similar duties.

In the mode of calculating the duties alluded to in the latter part of the second paragraph of the 3d article of the treaty of 1794, Canada sustained an injustice which ought to be remedied.

By the revenue laws of the United States, all goods imported, the duties upon which are not specifically rated, are charged with the duty of *fifteen* per cent *ad valorem*, excepting goods from the Cape of Good Hope, and beyond it. In calculating this duty, ten per cent is first added to the actual cost of the goods; for instance, suppose the first cost of the goods imported from Europe to be £100
Add ten per cent duty 10

Which makes £110

The duty of *fifteen per cent* upon £110 will then be sixteen pounds, ten shillings; whereas on goods exported *from* Canada, into the United States, the duty of ten per cent is charged, not on the cost of the goods in Europe, according to their rule with regard to *other* Nations, but upon their value at Montreal; it being the custom of merchants there, to consider the expence and risk of transporting merchandize from England to Montreal equal to £33⅓ per cent; so that goods which cost in England £100 is estimated at Montreal at £133 : 6 : 8; therefore the revenue officers of the United States instead of levying the duty of £10 per cent

island of Cape Breton, St. John or Newfoundland, or into any country or island within their respective governments, except in cases of emergency and distress, when articles of necessity may be allowed to be imported according to the regulations therein contained, and by the 13th section, no goods whatever can be imported from the United States by *sea or coastwise*, into Canada or the countries or islands within that government, or up the river St. Lawrence, but which was afterwards qualified by the 29 Geo. 3. c. 16, and 30 Geo. 3. c. 8. as to articles of necessity in cases of emergency only.

on the first cost of the article, calculate and charge the same on the estimated value at Montreal, namely on £133 6 8
The duty of £10 per cent on which is . . . 13 6 8

Making together £146 13 4

consequently the ad valorem duty of £15 per cent thereon will be £22 per cent, instead of £16 : 10 per cent, as paid by every other European nation trading with the United States, which is certainly contrary to the intention of the treaty. Whilst the goods which are carried by his Majesty's subjects into the territories of the United States in the prosecution of the fur and other trades, pay so high a duty as £22 per cent, it is easily to be foreseen, that with such an impost, and with the serious impediments in respect to navigation, which are so industriously thrown in their way, that the fur trade from Canada, notwithstanding the advantages and experience possessed by the British merchants there, cannot long be conducted with profit to themselves, or advantage to the state; it is therefore necessary, in any future negotiation with the United States, to stipulate, that the duty on such goods shall not exceed the duty imposed by the United States on the goods of *other* nations, but that the same shall be fixed on principles of reciprocity, with regard to the trade of both countries.

From these observations, it is manifest, that in the late treaty with the United States, no adequate protection was obtained or secured for the trade of the British colonies in North America, but that the same was overlooked and neglected, and left under circumstances peculiarly harassing and distressing, *to negotiation and discussion at a future period!*

These circumstances and the important facts disclosed in the case * of the American sloop, Falmouth, which is reprinted, in order, to attract the attention of the mother country, to the present state of the loyal colonies in North America, renders it requisite, before any treaty is concluded between Great Britain and the United States, that the boundaries of the British provinces in North America, which *remain* undefined or questioned, should be ascertained and defi-

* See Appendix, No. 1. (A.)

nitively fixed; and the terms and conditions on which the *inland* trade of the colonies with the United States, is to be carried on, regulated; and the islands in Passamaquoddy Bay, which have been taken possession of by their subjects, unequivocally acknowledged by the United States, to belong to the crown of Great Britain, in full sovereignty; otherwise they will from their proximity continue to be a constant source of dispute and inquietude: yet until some definitive arrangement is adopted respecting them and the adjacent waters, it is to be presumed, the king's officers in the colonies will not shrink from their duty, and continue to tolerate the *illicit* trade carried on there by the subjects of the United States, but enforce the laws of the mother country, in which they should be encouraged and protected by his Majesty's government and his representatives in the provinces.

These islands, it will appear by reference to the treaty of 1783, were admitted to form part of Nova Scotia, now New Brunswick, the former having been divided into two provinces in 1784; but since, by the unjustifiable encroachments of the subjects of the United States, they have been wrested from Great Britain, without any interference or exertion to prevent it; on the contrary, they were to have been, by the *unratified* convention of May, 1803, most impolitically ceded to the United States.

From these islands the Americans carry on an illicit trade, most lucrative to themselves, but seriously detrimental and ruinous to the provinces of Nova Scotia and New Brunswick, whose inhabitants are supplied by them from thence with liquors, tobacco, teas, and all kinds of India and other manufactured goods, and occasionally with small quantities of pitch, tar, and turpentine, for which they receive in return specie, peltry, fish, lumber, grindstones, gypsum and other things, and thus they drain the British provinces of their most valuable articles.

The *greatest part of the fish* caught in the adjoining bays and rivers by *British* subjects, and cured on these islands, as well as the *lumber* prepared there, instead of being sold to merchants residing in the King's provinces, and exported from thence, *according to law*, is disposed of* to the American traders at these places, who send it *coastwise* in *American*

* See Mr. Baring's examination of the conduct of Great Britain towards the *Neutral* Commerce of America, p. 173.

vessels to Boston and New York, from whence it is again shipped in their *own* bottoms to the *British* West-India Islands: thus the *freight* of these commodities to market is lost to the British ship owner, and the British West-India planters are induced to think these articles of supply can only be furnished from the United States, though a very considerable part of the supplies annually imported into the British West-India islands in *American* bottoms, is in fact the produce of the King's colonies in North America.

Another important object is gained by the United States from such usurpations, their subjects being allowed to retain possession of the islands, it affords them the opportunity of engrossing in a great measure the *gypsum* trade of the British provinces. The importance of this trade is not sufficiently known; *gypsum*, or as it is there called *plaister of Paris*, is now, generally, used throughout the United States as a manure, having been found from experience to be preferable to any other, producing the most abundant crops, from impoverished, or such as were before considered sterile lands*.

This highly valuable article, after several ineffectual attempts to discover veins of it within the United States, has been ascertained to be the produce of the British colonies *only*, reserved as it were by the bounty of Providence as a reward for the former sufferings of their loyal inhabitants. May no innovating hand deprive them of this inestimable and increasing source of trade and wealth!

The quantity dug in 1806, from the quarries in Nova Scotia and New Brunswick only, was upwards of 40,000 tons, for which the demand was regular; but unfortunately, from the *illegal* practices prevalent at these islands, *three-fourths* at least of that quantity was carried from thence to market in American, instead of British shipping. It is a fact ascertained by persons in the islands, that during the summer of that year, there were from fifty to seventy sail of American vessels, constantly lying in Passamaquoddy bay, waiting to complete their ladings of gypsum, from the small craft in which it is brought down from the quarries in the provinces. On the contrary, if the statute of the 7th and 8th of

* See Parkinson's American Farmer, p. 365, who admits its very valuable qualities, but says it is not of so much use but where the land is by nature rich or dunged.

William the 3d, c. 22, s. 2*, was regularly and strictly enforced, a valuable and beneficial trade would be secured to the ship owners of Nova Scotia and New Brunswick; for on a moderate computation, allowing each vessel to make four voyages during the season, at least 10,000 tons of British shipping, navigated by 1000 men, would gain employment. At present the Americans have the benefit of the freight of more than three-fourths of the quantity annually taken from the quarries in the two provinces, the freight exceeding double the value of the article; the quantity shipped in 1806 in American bottoms, being stated at 32,000 tons. It was truly remarked by LORD BACON, "there be but three things which one nation selleth unto another; the commodity as nature yieldeth it, the manufacture, and the *vecture*, or carriage: so that if these three wheels go, wealth will follow as in a spring-tide. And it cometh many times to pass, that *materiam superabit opus*, that the work and carriage is more worth than the materials, and enricheth a nation more."

A point of great national importance then presents itself for consideration, namely, the injury the mother country sustains by the contraband trade carried on at these islands with the subjects of the United States, not only from the sale of prohibited articles, but from the decrease it occasions in the employment of the shipping of the British provinces, and its consequent discouragement of their carrying trade, in which were *formerly* reared many excellent and useful seamen: whereas the small craft which take the gypsum or plaister from the quarries to the islands in Passamaquoddy bay, are chiefly navigated by countrymen taken from their farms, and who make one or two trips or short voyages in a year for the purpose of obtaining supplies for their families, of contraband articles from the American stores in these islands; but who would certainly be much better and more advantageously employed in attending to their agricultural pursuits.

It appears that the houses of assembly of Nova Scotia and New Brunswick, contemplated passing a law to prevent vessels being laden with gypsum at the quarries, and from landing it eastward of Portland in the state of Massachusets,

* See also the subsequent statutes and orders of council in Reeves's History of Shipping, 2d edition, 1807, respecting colonial trade.

which would have secured the carriage of this article to the ships of the King's colonies; but doubts were entertained as to the authority of the assemblies to adopt such a regulation; some time after an application to that effect was made by general Carleton to government, in the former administration of the duke of Portland, and there is reason to believe it would have been attended to and acted upon, had not a change taken place about that time in the ministry. As gypsum is only to be found in the British American colonies, no fear need be entertained of the subjects of the United States refusing to take it in British vessels; for whatever charge may attach on the article, they will continue to purchase it, for, in truth, they cannot do without it.

Another serious reason for resuming the sovereignty of these islands, prior to the renewal of any treaty with the United States, is the attempt which in case of war*, may probably be made by them in that quarter to invade the British colonies; therefore the Americans should be confined *within* their limits on the *main land*; besides this illicit intercourse with the British provinces from the proximity of the islands tends only to enrich them, and to impoverish the King's subjects in those settlements.

In the event of a war between Great Britain and America, which would terminate the existing treaties between the two countries, great precaution must be taken in any future arrangements with the United States, to avoid those errors which unfortunately occurred in the formation of the former ones; for the renewal of many of the articles of the treaty of 1783, and the first ten articles of the treaty of 1794, will present strong impediments to the amelioration of the condition of the British colonists in America.

The ambiguity of the treaty of 1794 places the Canadians in a very hopeless situation respecting their commercial intercoure with the United States by land, or inland navigation; especially when the explanation of any of its articles depends on the revenue officers of the United States. Not satisfied with the advantages which that treaty gives them, and which have been before pointed out, they construe its letter, at the sacrifice of its evident intention and spirit; so that instead of being reciprocal, it is made the foundation for impositions, which place the Canadian Indian traders entirely

* Appendix, No. 7.

at their mercy. They likewise change their ground so frequently to suit their own purposes, that the moment they agree to relax upon any point in dispute, another is started, involving fresh and greater difficulties than those apparently given up.

It recently formed a subject of just complaint, that the American collectors at the inland posts calculated the duties on merchandize from Canada, in the manner before-mentioned; and there was reason to believe, from a communication said to have been made by Mr. Erskine to the president Mr. Dunn, that the government of the United States had given up that point; when in the course of last summer at Michilimakinac, the Canadians found, to their great astonishment, the American collector there, not only persisted in demanding again the former exorbitant duties, but threatening to adopt a principle by which he would have had it in his power to seize the whole of the goods from Canada, or to levy whatever contributions he thought fit, as the consideration for refraining to ruin the British traders. To detail the systematic course of the most arbitrary exaction and imposition of the officers of the United States at the inland posts, would exceed the limits of this tract; but the circumstances which occurred at Michilimakinac last year were so grossly flagrant, it is presumed the merchants here connected with Canada, have communicated the same to the British government, in order that whenever negotiations are resumed between the two countries, proper stipulations will be entered into to prevent the like in future, and to secure to the British trader adequate protection in his commercial pursuits from similar impositions.

To represent these transactions at *Washington* would have been unavailing; and no effectual remedy occurs, except that in the event of war, every exertion should be made to regain Michilimakinac and the Indian territory; but in case an amicable arrangement takes place between the two countries, it should be a primary object of negotiation, on the part of the King's ministers, to obtain an express stipulation, that all merchandize passing *inland* from the one territory into the other, intended *bonâ fide* for the trade with and consumption of the Indians, shall be exempt from the payment of all duties whatever; it is warranted by the treaty of 1794, which allows a similar exemption to the Indians, when carrying articles for their own use from the one state to the

other. These remarks apply to the Indian trade only; but with respect to the other injuries experienced in the trade between the United States and Canada, they have been already noticed, and the remedy pointed out, which has occurred to persons well acquainted with the trade of the province, as likely to remove the inconveniences and difficulties encountered by the King's subjects.

Not content with these encroachments and exactions on the British trader, the subjects of the United States appear determined to extend them, when and wherever they have opportunity and power. About two or three years ago an American officer ascended some of the rivers which fall into the Missisippi, where the northwest traders have establishments or trading posts; and on his arrival there, notwithstanding the hospitality and kindness he experienced from the British traders, insisted that the British flag and medals should be recalled, and those of the United States substituted; the territory being, as he asserted, within their limits. The northwest partner then resident there being intimidated, very inconsiderately and imprudently submitted to this interference, instead of insisting that the territory was British; or if any doubt could be entertained in that respect, that it should be considered British, until the line from the Lake of the Woods was ascertained by the consent of both nations. This opportunity of checking encroachments in that quarter being lost, and intimations having been given of an intention to seize goods at the posts dependant upon that which is called the Fond du Lac Department, that is, at the farther end of Lake Superior, the northwest company deemed it prudent, under such circumstances, to compromise with the officers of the United States for the duties on their goods there; and the collector at Michilimakinac, instead of requiring actual previous entries, has since been induced to receive at the close of the season from the agents of the northwest company, statements of the duties so agreed to be given, and to accept the same accordingly; which it is evident he is constrained to do, not only under the circumstances of that compromise, but from the opportunity there existed of evading in a great measure the payment of them.

If the Indian trade is considered important and desirable to be retained by Great Britain, it cannot be effectually done unless that part of the territory which produces it, and which was most improvidently ceded by the treaty of 1783 is resumed, or by an abolition of the duties on Indian goods as

before mentioned: if, however, the resumption of the whole is impracticable, it is prudent to endeavour to obtain, in the course of future negotiation, such a line as will at least avoid any interference on the part of the United States with the northwest company*, and to secure as much as is practicable of Michilimakinac.

Mr. Jefferson having refused to ratify the convention of May, 1803, which amongst other things † likewise settled the course of the line from the Missisippi to the Lake of the Woods; it is to be expected another opportunity will not be afforded them to obtain such valuable concessions; but that every endeavour will be made in future negotiations to substitute the river St. Louis (which falls into Lake Superior) to its source, and from thence to the nearest river which falls into the Missisippi. Such an arrangement would secure the northwest company, and especially if in fixing the line between Canada and Louisiana, beyond the Missisippi, the Misourie could be established as the boundary line, it would be of the utmost importance to the Michilimakinac trade: however, in no case whatever should the subjects of the United States be permitted to go beyond the Rocky Mountains, as they certainly have no right by pretence of discovery or otherwise, to any territory watered by rivers falling into the Western Ocean. If a new line could be obtained on the principle of the height of land, dividing the waters which fall into the Atlantic, from those which have their outlets by the river St. Lawrence, it would secure not only the Michilimakinac, but likewise the Detroit Indian trade ‡; and even if it was modified so as to leave the boundaries as at present, until entering Lake Huron, but from thence to proceed to the entrance of Lake Michigan, and down that lake to Chicogo, and thence descending the Illinois river to its junction with the Missisippi, from which last-mentioned river to ascend the Misourie, it would secure to Great Britain the most material part of the Michilimakinac trade.

It, however, cannot be too strongly impressed, that in future negotiation with the United States, the greatest care should be taken not to accede to any proposition of settling the boundaries between the two territories, without personal

* See Weld's Travels, vol. 1.

† The British Treaty, p. 36.

‡ See Weld's Travels, 2 vol. p. 99, for very valuable information on these topics.

survey of the islands in the river St. Lawrence and the lakes, as was most inconsiderately done by the convention of May, 1803; and which it is evident the subjects of the United States are still anxious to obtain *.

On the termination of the American war, it appears to have been the intention of the British government that the river *Penobscot* † should have been the boundary line between the United States and the King's colonies; but unfortunately, either through the want of local information in the English commissioner, or the intrigue of the court of Versailles with the American ministers, where that negotiation was carried on, this line of boundary was abandoned, and the United States allowed to go as far to the eastward as the river *St. Croix;* thus yielding up to them an extent of sea coast of nearly fifty leagues. A reference to the maps will shew that the river *Penobscot* was the natural boundary, and which Great Britain should endeavour to obtain by negotiation or otherwise in the event of war, in order, not only in the former instance to preclude a repetition of the claims of the United States to each succeeding administration, and to prevent in future the encroachments of their subjects on the British frontiers, but in the latter instance, to defeat any sudden attack on Canada.

Admitting the river *St. Croix* to be the boundary, and the line from its source to run as described by the treaty of 1783, the communication between New Brunswick and Canada is completely intersected, and a large tract of country within fifty miles of *Fredericton*, the late seat of the government of that province, would belong to the United States. On this tract of country, during the negociations respecting the intention of the parties as to the true direction of the boundary line, the government of the United States have for some time past been fixing settlers, and forming establishments there. This circumstance is not, perhaps, generally known: it is however important, that the same should be settled before the renewal of any treaty with the United States. The letters in the Appendix to the 2d. vol. of extra official papers, clearly show it was a favourite object of the British government, that the river *Penobscot* should be the boundary line between the two countries; and arrangements were made for establishing a

* British Treaty, p. 36, &c.

† See extra official papers, Debret, 1789.

new colony there, which appears, even to have received the sanction of his majesty.—"From what I have said upon the subject of colonization, and the papers I have annexed to this and a former publication, a part of the plan upon which a new colony was intended to have been settled, which I referred to in my letter to Mr. PITT, may be collected: but from the copies and extracts of two letters from Lord Sackville to me upon the subject of the new colony, which I have given in the Appendix, No. 20 and 21, the approbation, I said, my plan had met with, will be confirmed."—"The country where it was proposed to establish the colony of *New Ireland*, is known by the name of the province of *Main* *. It is included in the ancient charter of Massachussets' Bay; but the general courts of that province were restrained by the charter from making any grants of the lands without the consent of the crown, which having been generally refused, few settlements had been made to the east of the river *Kennebeck*; and none to the east of *Penobscot*. By the latter river therefore, and the St. Croix, the western boundary of Nova Scotia, was the new province to have been bounded."

The annexed report of the case of the American sloop *Falmouth*, which was condemned in the vice admiralty court of New Brunswick, for being employed in contravention of law in the *gypsum* trade, carried on at the islands in Passamaquoddy Bay, and which involves the claim of the United States to them, is deserving of serious consideration; it is to be regretted, that any order † of the PRESIDENT of the council of that province, should have been subsequently given to that highly meritorious officer, GEORGE LEONARD, esquire, to desist from seizing any more *American* vessels on the grounds set forth and established by the judgment in that case: that such order was issued by the PRESIDENT is certain,

* See Ibid. Mr. Knox's Letters; also the British Treaty, p. 36.

† The legality of this order to desist, and not to enforce the provisions of a positive statute is doubtful; the act of 7th and 8th William 3d. c. 22. s. 2. has been confirmed by several subsequent and very recent statutes, and the same has not, it is believed, been interfered with by any of the orders of council, which were issued under the annual acts for regulating the trade and intercourse with America. This point is of some importance, as the modern practice of issuing such orders in restraint of law, must interfere with the provisions of the Bill of Rights, unless an express statutable authority is given for that purpose.

probably in pursuance of instructions transmitted to him by government in 1806, in consequence of the correspondence which had taken place on the subject, between the American secretary of state, and the British minister at *Washington*. From this circumstance, it is inferred, that the United States had obtained a recognition of the right they claim to the islands in Passamaquoddy bay; first conceded to them by the convention of 1803, for on no other principle than that of admitting their sovereignty to them, can the instructions to the PRESIDENT to issue such an order to Mr. LEONARD be justified; and there is too much reason to fear this claim of the United States was intended to have been confirmed by the late ministers, had not the treaty agreed to by them been rejected by the PRESIDENT of the United States. Should any negotiation be resumed, with a view to another treaty with the United States, under the auspices of the present administration, it cannot be doubted but they will be justly tenacious of his Majesty's rights, and obtain such stipulations as will conduce to the advantage and security of his colonies in America, and preserve possessions so valuable and important as the islands in question; whilst they adopt regulations respecting their trade, which will promote and extend it.

This order of the PRESIDENT of the council of New Brunswick, has unfortunately tended to confirm the Americans in their possession of these islands; and the contraband trade carried on there by them, is *daily extended and increased;* whilst the inhabitants of the British provinces are more dissatisfied with the *mixed-kind* of policy pursued by Great Britain towards them: their carrying trade is nearly annihilated, and the most ruinous consequences are resulting to the mother country, from the provinces being supplied with articles of general consumption by the Americans, instead of obtaining them in a regular course of trade from the parent state.

It has been represented by the *American party* in this country, that no injury has been sustained by Great Britain, from the intercourse between the subjects of the United States and the British colonies in America and the West Indies; for although the exports from Great Britain and Ireland to the King's colonies *have decreased*, yet the exports to the United States have increased in a greater proportion, and therefore the trade of Great Britain is benefited

by it. This assertion will, however, on investigation, appear not only erroneous in fact, but delusive and mischievous in its effect and operation, and is calculated to mislead the public mind on this important subject.

If the United States had no other market than Great Britain for the sale of their produce and other merchandize, there would have been, perhaps, some ground on which the assertion might have been founded, because, in that case, they would not have been supplied with the means of furnishing the British colonies in the West Indies and America with manufactures *not* British; but, when it is recollected, that they have been admitted most improvidently to a participation of the British East-India trade, and also from recent lamentable concessions to become the general carriers of the produce of the *enemies* colonies to Europe, it must be obvious to every reflecting mind, that the natural consequences and facilities, which they have derived from such indulgences, must have opened new channels of trade to the United States, both with respect to exports and imports; and, under cover of the privileges allowed by the American Intercourse Bill of 1806, they contrive to supply the British dependencies in the West Indies in the same *illicit* manner as they do the King's American provinces with East-India goods, German linens, hardware and foreign liquors. It frequently has occurred in the importations from the United States into the British West-India islands, that on examination of the casks and packages containing the articles imported there, more or less of these contraband goods have been found in them; and a reference to the entries *published* in the commercial lists of the principal sea-ports of the United States, will prove, that they take in return, *though contrary to law*, from the British West-India islands, sugar, coffee, and other articles, with equal facility as British vessels; in consequence of which, many British ships, during last year, returned to the King's colonies in North America and to Great Britain, with not more than half freights, after having incurred the full expences incident to such voyages.—The injury thus sustained by Great Britain, by the relaxation of her maritime rights, and the suspension of the navigation and colonial system, is increased by the opportunity it has afforded the subjects of the United States to inundate the continent of South America with foreign European and other goods, to the great prejudice

of the English trade from Jamaica and the other islands to the Spanish main.—Whereas, if such indulgences had not been granted, nor concessions made to the United States, the exports from Great Britain and Ireland to the British dependencies in the West Indies and North America, would have increased, as well as our exports generally to America, in as much, that if the United States had been excluded * from any participation in the British East-India trade, and prevented from carrying *foreign* colonial produce to *Europe*; their trade with Great Britain must necessarily have been much more extensive, and consequently the return cargoes they would have taken from this country would have been more considerable, and Great Britain, perhaps, enjoying as formerly, a part of their carrying trade †. On the contrary, by their extended intercourse with the ports of the continent, from being allowed to bring sugar and other colonial produce to Europe; they naturally do not suffer their ships to return *in ballast*, but take back assorted cargoes of *foreign* manufactures and other goods, for the purpose of improving and extending their export trade to the West-India islands in general, and to the continent of South America ‡.

These important points have been so ably and satisfactorily examined and discussed in several late publications, it is not considered necessary to enlarge further on the consideration of them. It may not, however, be improper to notice a *recent* and very *important claim*, which the subjects

* Mr. Baring's Examination, p. 142.

† Reeves on Shipping.

‡ "Now that the unfortunate rage of shipping goods to *Buenos Ayres* has subsided, and the British manufacturers have leisure to look into their concerns, they complain, and with great reason, that their orders both for *America* and the *West Indies* are *diminished*; the Americans not only supplying the consumption of their own country, and that of the enemies colonies, but that of the *British colonies* too, (by illicit trade) with *foreign* European, and East-India *manufactures* of various descriptions." Vide tract entitled, "*Concessions to America the Bane of Britain.*" See also T. Coxe's View of America, and the Debates in Parliament, soon after the American war, on the trade with the United States, &c. It is understood that representations have been very recently made to government, of the decrease of the trade from the British free ports in the West Indies, to the Spanish Main, &c.

of the United States have made to *an equal right of navigation of the river St. Lawrence from the sea** : whether any formal claim has been made by the United States to the British government on this subject is not certain; but it is observable that, in this case, as in all others, claims of this nature have generally been promulgated in the first instance in anonymous publications, and so soon as the disposition of the American people respecting them is ascertained, they become objects of state, and are pursued and treated as such!

In noticing, again, the claim of the United States to the islands in Passamaquoddy Bay, it is impossible to avoid contrasting the conduct of the former administration of his grace the DUKE OF PORTLAND, with that of LORD SIDMOUTH; which cannot be done more forcibly than by refering to the several passages selected from HIS GRACE'S circular letter of the 11th April 1799, to the governors of Nova Scotia and New Brunswick on this subject †. This letter was occasioned by a note addressed to him from LORD GRENVILLE, then secretary of state for foreign affairs, communicating an extract of a letter which his lordship had received from *Mr. Liston*, "on the subject of a doubt that had been started respecting the boundary of his Majesty's province of New Brunswick and the American district of Maine." On that occasion, his Majesty's *then* government were justly alarmed to find the *right of water-way, or navigation*, described in *Mr. Liston's* letter ‡, *claimed as a right deduceable from the treaty*; apprehending it was intended to deduce therefrom, as a *farther* consequence, *a right to the islands in Passamaquoddy Bay*, lying on the American side of such water-way or navigation.

Whatever were the circumstances which led to the cession of these islands to the United States, by the convention of May, 1803, in LORD SIDMOUTH'S administration, a most singular coincidence arose out of it; the PRESIDENT of the United States having refused to *ratify* § it, as well as the treaty agreed upon, in London, by the late Administration, with the American commissioners; and whatever motives induced Mr. JEFFERSON to refuse to ratify this convention, it is evident, the subjects of the United States considered

* The British Treaty.
† See Appendix 1. (A.)
‡ Ibid, p. 15.
§ The British Treaty, page 39.

it highly beneficial, and its rejection has been noticed, in many instances, with reprehension and displeasure. The author of the tract, called the "British Treaty," states, that "subsequent to 1794, a survey of the interior of America by British merchants, established in Canada,"—"had proved, that a line due west from the Lake of the Woods would run north of the Missisippi, so that *no further* measures were needful to ascertain that point.—*The River St. Croix had also been identified.*—Two points, however, remained to be settled; the line from the Lake of the Woods to the Missisippi, and the termination of that which was to run north from the source of the St. Croix, on which *depends a large tract of country in the district of Maine.*—Connected also with our *eastern* boundary, is an object of *little intrinsic value* (MOOSE ISLAND), but important to the trade of Massachussetts, and to the *revenue* of the United States. Another matter of considerable importance, particularly to the state of New York, had remained unnoticed. This was the ascertaining those islands in *Lake Erie, Lake* Ontario, and the river *St. Lawrence*, which belong to the United States."—The same writer again observes, "that instructions were given to the American Minister *in London* *, which embraced all the matters above-mentioned. The Minister accordingly treated with the British Government, and such was THEIR confidence in him, and their liberality towards us, *that he was desired to frame a convention agreeably to his own wishes.* He drew it in the very words of his instructions, and it was immediately executed. *Every thing asked was granted.* The convention made complete provision for the subject matter of the fourth and fifth articles of the old treaty. It fixed our eastern boundary, settled the course of a line from the Missisippi to the Lake of the Woods, and *confirmed our title to Moose Island* †!"

Thus have the rights of Great Britain been providentially preserved in two memorable instances, by the force of *French* influence in America; which otherwise would have been conceded by the British Government, from too strong a disposition to conciliate the esteem of the United States.

* In 1802. † British Treaty, p. 38.

Since the separation of the provinces, which now constitute the United States of America, from Great Britain, the remaining British colonies on that continent, have been too generally considered, as possessions of little comparative value; yet it will appear, on investigation, they do not yield to any other parts of the continent of America, either in soil, production, convenience of navigable rivers, or salubrity of climate. Canada, Nova Scotia, New Brunswick, &c. &c.

It has been observed, "a distant province of an empire can only be wisely and well governed, in proportion as the interests and conditions of the people, and the resources of the country, are known and understood:"—it is therefore to be expected, "when all the circumstances, which are requisite to give a beneficial and prudential direction to the measures of government, are exhibited truly and without reserve, the colonies dependent on a mother country, such as Great Britain, will experience a just and liberal dispensation of power and protection; in proportion as government is acquainted with their wants and necessities, those wants will be relieved; in the degree that their industry is shewn to be zealous and productive, it will be encouraged; on exposition of undue burthens and checks on that industry, they will be removed; and on default shewn of safety and defence, it will be supplied *."

Unfortunately these provinces have not received from Great Britain, that encouragement to which they were so pre-eminently entitled, from their importance, patriotism, and loyalty; they have nevertheless thriven, under circumstances most disadvantageous and discouraging. It is evident, by the information received from numerous respectable authorities, as well as by the documents which have been within the last seven years submitted to Government, and by the late report of the Committee of the House of Commons, on the commercial state of the West India Islands, and the evidence taken before them, that the British colonies on the continent of North America are possessed of great resources, and capable of furnishing supplies of naval timber, and other valuable articles, to a very considerable extent †.

It is to be lamented, the inquiry of that committee

* Sir W. Young's West India Common-place Book.

† Appendix, No. 8. for this Report, and the evidence annexed to it.—The Editor has to apologize for reprinting this Report; but

was so limited; it certainly would have been much more satisfactory to the nation, if the conduct pursued by the Board of Trade in 1784 and 1791*, on similar occasions, had been adopted, and their inquiry so extended, as to have embraced *all the other points* connected with the commercial state of the British West India colonies; namely, the *competency* of the mother country, and its dependencies, to furnish in *British* ships, *in time of war*, the necessary supplies for those islands; if such had been the course of that investigation, the *affirmative*† of that *national* and *important question* would most indisputably have been established; and it would have appeared, that the distress‡ now felt by the British West India interest, was not to be attributed to the enforcement, but to the improvident suspension of the navigation and colonial system of Great Britain, and to the

as many of the facts adduced by him were proved before that Committee, and not having seen in any other publication the Appendix to that Report, containing the evidence and accounts annexed to it, he has been induced to reprint the whole in the Appendix to this volume.

* Reports of the Board of Trade, in 1784 and 1791, on the intercourse between the British West India Islands and the United States, in a collection of papers, &c. published by the Society of Shipowners of Great Britain, edit. 1807.

† See an *American* tract, entitled "Peace without Dishonour, War without Hope," 1807, wherein it is observed,—"But lastly, *we are to starve her* West Indies. It is really astonishing, that men will be so blinded by their hatred to Great Britain, as to urge, and appear to believe, such absurd notions. Why did they not starve during the revolutionary war? *Nova Scotia* then supplied them with little or nothing; *she can now supply them with nearly all they want.* They do not take our beef and pork *in peace*, they are so dainty; and yet we talk of starving them! But if they could support a war of eight years, when *Nova Scotia* was a young uncultivated country, when our privateers swarmed in these seas, and the ocean was covered with the fleets of France, Spain, and Holland; how much easier will it be to sustain a war, when the provision-vessels of England can navigate in perfect safety, having no one to make them afraid? But we do not view the other side of the picture! Is there not danger, that a war with us may *turn* their attention to *other* channels of *supply;* and then destroy, perhaps for ever, this branch of our commerce?" At that period, May, 1807, there were several respectable persons in London from the British colonies in America, capable of affording much important information on this subject, and of the resources of the loyal provinces; but who have since returned to them.

‡ Sir F. M. Eden on Maritime Rights, 1808.

relaxation of those other MARITIME regulations of the country founded on the former, which had been so successfully enforced and maintained by LORD CHATHAM *; "the partial relinquishment of which occasioned so much disquietude to his illustrious son, Mr. PITT, that previous to his death, "HE EXPRESSED TO ONE OF HIS POLITICAL FRIENDS HIS REGRET AT HAVING EVER BEEN INDUCED, BY EXISTING CIRCUMSTANCES, TO RELAX THE MARITIME RIGHTS OF BRITAIN, AND HIS DETERMINATION TO RE-ESTABLISH THE SYSTEM WHICH HAD BEEN ACTED UPON DURING THE ADMINISTRATION OF HIS FATHER †."

It was likewise Mr. PITT's intention, which is proved by the measures *actually taken* in his last administration, on the recommendation from the Board of Trade ‡, not only to have confined to British ships, the whole of the colonial trade, and to have reclaimed that most salutary principle, that all supplies, from *whatever country* they came, should be conveyed to the West India Islands in *British* bottoms, but also to have prohibited the importation *direct* of all articles (except those essential to the existence of the manufactures of the kingdom) from the countries of the enemy, in neutral shipping ||; and it is well known, that during the latter part of Mr. PITT's administration, the greatest possible attention was given to the British colonies in North

* See the various tracts which were published from 1755 to 1758, when the spirit and energy of the nation were so conspicuously shewn in the brilliant and energetic measures adopted by Lord Chatham, during the last war in the late reign.

† Anti-Jacobin Review for August, 1807, p. 368; also, Introduction to Collection of Reports and Papers on Navigation, &c. p. 22.

‡ At this period, his Grace the Duke of Montrose was president, and the Right Hon. George Rose, vice-president, of that board.

|| See Earl Camden's letters, in September, 1804, and January, 1805, to the Governors of the West India Islands, and Lord Castlereagh's letter in September, 1805. Also, various minutes of the Board of Trade, and Introduction to Collection of Reports, &c. on Navigation. This patriotic regulation was determined upon early in the autumn, before Mr. Pitt's death; but which, on application from persons in the spirit trade, stating the great purchases they had made, he allowed them to import in neutral vessels the goods they had *actually* purchased, and directed the prohibition to take place at a subsequent period: his death, however, unfortunately intervened, and this regulation was not carried into effect by his successors, although it would have been highly beneficial to the West India planter and British ship-owner, but in lieu of which, an increased duty was imposed on brandy and other foreign spirits.

America, and no exertions were wanting, or suggestions rejected, which had a reasonable tendency to increase their population or to encourage their industry.

Canada. CANADA, it appears, is able to export great quantities of wheat and flour; and during the present war, considerable cargoes of those articles have been *annually* shipped from thence to Great Britain, Portugal, and other places. The temporary causes, which had checked the cultivation of this province, are in some respects removed, and an increased *annual* export of flour and wheat may be depended upon, as the culture of wheat and manufacture of flour are rapidly increasing in that settlement; from whence have been recently exported in *one* year 800,000 bushels of wheat and 30,000 barrels of flour *.

Great quantities of timber and lumber can likewise be furnished from Canada, particularly the *white oak*, which is used in the West Indies for puncheon staves †; and although the price of lumber may be at present dearer than that which is the growth of the United States, it is of a much better quality, from being procured farther north.—In the London market, the Quebec staves bear a much higher price than American.—The forests of the two ‡ Canadas, Nova Scotia, and its dependencies, with New Brunswick, are inexhaustible, and capable of supplying every species of naval timber; and the inhabitants of these provinces only require the encouragement of the mother country, and a certainty of market, to induce them more extensively to engage in that most important branch of trade, which is not so incumbered with difficulties as have been industriously represented. The Canadians have learnt to prepare their timber to great advantage, by floating mills, of a new construction, and built at a third of the expence of the ordinary mills ‖; and there is sufficient water-carriage to transport the timber from the places of its growth to a shipping port.

The timber, together with the masts and spars, which have already been sent to Great Britain from these colonies, afford sufficient specimens of their qualities; as well as the

* Appendix, No. 8, page 189. the evidence to the West Indie Report.

† Ibid.

‡ Charlevoix's Journal, vol. i. page 245, edit. 1761.

‖ Reports of the Board of Trade, in the collection before mentioned.

prices at which they can be sold, and the increasing demand prove them to be suitable for British use. The number of ships lately employed in this trade, points out how advantageous, if properly encouraged, it will be to the mother country, especially from the increased demand it will occasion for British manufactures, which will be taken in return; besides, it will, if Government adopt the proper means of promoting this branch of trade, so as to induce mercantile men of capital to engage in it, relieve the nation considerably from its dependence on the *Northern Powers* * for supplies of naval timber. This prominent feature of the trade of the colonies has become, from recent circumstances, of the highest importance to Great Britain, in consequence of the extension of the war in the north of Europe, and the existing differences between Russia, Prussia, Denmark, and this country.

The different kinds of timber in the forests of these provinces are enumerated in other parts of these observations, which, from the numerous rivers and creeks that intersect the country, are brought with more than ordinary facility to convenient places for shipment; of the excellencies of their qualities, the cargoes imported last year at Liverpool, and other ports, bear ample testimony; during that period, many British vessels made in this trade two voyages from Great Britain to Nova Scotia and New Brunswick, and some of them to Canada; thus pointing out, as it were, at this crisis, a new source of employment for the British ships which were formerly engaged in the Baltic trade †.

By the 12th Chas. II. c. iv. certain duties were imposed on the importation into England of all deals, boards, masts, yards, and timber, according to the rates mentioned in the schedule to that act, and the regulations therein contained.

The necessity of providing naval timber for his Majesty's navy and the merchants' service, in order that the country might not depend on other states for what was essential to her defence as a maritime power, became an object of legislative attention early in the last century; and it was deemed essential to encourage by bounties the importation of timber

* Mr. Baring's examination, page 21.

† See, Remarks on the probable Conduct of Russia and France &c. p. 91. edition 1805, Asperne.

from the continent of *British* America into Great Britain. Accordingly, by the 3d and 4th Ann, c. x. sect. 2. a certain reward or premium was granted on the importation from thence of *masts*, *yards*, and *bowsprits*. The preamble of his statute is worthy of attention, as it shews the policy which influenced at that time the legislature: it recites

Masts, &c.

"Whereas the royal *navy* and the *navigation* of England, wherein under GOD the *wealth*, *safety*, and *strength* of THIS KINGDOM is so much concerned, depends on the due supply of stores necessary for the same, which being now brought in, mostly from foreign parts in foreign shipping, at exorbitant and arbitrary rates, to the great prejudice and discouragement of the trade and navigation of this kingdom, may be provided in a more certain and beneficial manner from her Majesty's own dominions—And whereas her Majesty's colonies and plantations in America were at first settled, and are still maintained and protected, at a great expence of the treasure of this kingdom, with a design to render them as useful as may be to England, and the labour and industry of the people there profitable to themselves: and in regard the said colonies and plantations, by the vast tracts of land therein, lying near the sea, and upon navigable rivers, may commodiously afford great quantities of all sorts of naval stores, *if due encouragement* be given for carrying on so great and advantageous an undertaking, which will likewise tend not only to the further employment and increase of *English shipping* and *seamen*, but also to the enlarging in a great measure the *trade and vent of the woollen and other manufactures and commodities* of this kingdom, and of other her Majesty's dominions, in exchange for such naval stores which are now purchased from foreign countries with money or bullion: and for enabling her Majesty's subjects in the said colonies and plantations, to continue to make due and sufficient returns in the course of their trade."

This bounty was granted for a limited period, and afterwards continued by another act until 1725, when it ceased; but it was revived by the 2 Geo. II. c. xxxv. and continued by subsequent statutes * until the 24th of June, 1781, when it was discontinued. It also appears, that in order to

* By the 3d and 4th Ann, c. x. s. 2. from 1st January, 1705, for 9 years, and by the 12 Ann, c. ix. s. 1. continued from 1714, for 11 years. But

give a more extensive effect to this beneficial regulation, and to promote the timber trade of the colonies, a sum not exceeding £10,000 was voted by parliament * for that purpose; but the legislature finding from experience, that these regulations did not afford adequate encouragement, so as to induce the colonists to engage extensively in the trade, further aid was given, by allowing other descriptions of timber to be imported from thence, *duty free*, and by the 8th Geo. I. c. xii. s. 2. which recited, "that great quantities of wood and timber, and of the goods commonly called *lumber*, (which are therein enumerated) had usually been imported into this kingdom from foreign coun- [Lumber.] tries at excessive rates or prices, especially in time of war, and foreigners had thereby found opportunities to export the *coined monies* of this realm, and that it was well known that such commodities, being the growth and produce of his Majesty's plantations in America, could be furnished from thence, *if due encouragement was given*," it was enacted, that for the term of 21 years, from the 24th of June, 1722, the same might be imported into Great Britain direct from the King's colonies in America, in *British* vessels navigated according to law, *duty free*, (masts, yards, and bowsprits *excepted)* touching which, duties and premiums had been ascertained by former acts. The provisions of this act were continued by subsequent statutes †, and are now in force.

A short time prior to the American war, with a view to

But by the 2 Geo. II. c. xxxv. s. 3. was revived and continued from the 29th September, 1729, for 13 years.

13 Geo. II.	c. xxviii.	s. 1.	continued from thence	to 25 Dec. 1750.
24 — —	c. lii.	s. 1.	. . .	to 25th Dec. 1751.
25 — —	c. xxxv.	s. 2.	. .	to 25th March, 1758.
32 — —	c. xxiii.	s. 3.	. .	to 24th June, 1766.
6 Geo. III.	c. xliv.	s. 11.	. .	to 24th June, 1774.
14 — —	c. lxxxvi.	s. 6.	. .	to 24th June, 1781.

* 8 Ann, c. xiii. s. 30.

† By the

16 Geo. II.	c. xxvi.	s. 2.	continued	to 24th June, 1750.
24 — —	c. lvii.	s. 11.	. . .	to 1st Sept. 1757.
31 — —	c. xxxv.	s. 3.	. . .	to 29th Sept. 1764.
4 Geo. III.	c. xi.	s. 3.	. . .	to 29th Sept. 1771.
12 — —	c. lvi.	s. 2.	. . .	to 29th Sept. 1778.
19 — —	c. xxii.	s. 1.	. . .	to 29th Sept. 1785.
26 — —	c. liii.	s. 1.	. . .	to 29th Sept. 1792.
33 — —	c. xl.	s. 2.	. . .	to 29th Sept. 1795.
36 — —	c. xl.	s. 1.	. . .	to 29th Sept. 1808.
42 — —	c. xx.	s. 3.	. . .	to 29th Sept. 1812.

obtain a constant and sufficient supply of timber from that continent, other regulations were adopted, and by the 5th Geo. 3. c. 45. certain bounties were given from and after the 1st January 1766, on the importation of deals, planks, boards and timber of certain dimensions, into Great Britain and Ireland. It may not be inapplicable to introduce the recital of this statute, to shew the same policy continued to influence the legislature on this subject.——"Whereas the "improving and securing the trade and commerce of the "British colonies and plantations in *America* is highly "beneficial not only to the said colonies and plantations but "to Great Britain; and whereas, it may on this account "be proper to encourage the importation of deals, planks, "boards and timbers from the said colonies and plantations, "whereby his Majesty's royal navy, as well as ships employ-"ed in the merchants' service, may be furnished with such "materials at more reasonable rates than at present, and "*great sums of money* at present expended among *foreign* "nations for the purchase of such materials *may be saved.*"

This duty was, however, limited in its duration, having been granted for three periods of three years each at different rates, the last period ending the first of January, 1775. This regulation gave a fresh stimulus to the timber trade with America, and if it had been continued a few years longer, would have laid the foundation of a regular trade, and afforded an ample supply of timber of all kinds for Great Britain and its dependencies.

Further encouragement appears about this period to have been given to this branch of trade: for by the 11th Geo. 3. c. 50. a bounty was granted for a limited time, on the importation of white oak staves and headings from the colonies, and on the 30th April, 1777, it was resolved in the commons house, after some debate in a committee of the whole house*, "that it might be expedient to grant a bounty "upon staves and other lumber imported from Canada, East "and West Floridas, Nova Scotia, and the island of St. "John, *to the West Indies*;" but no Bill appears to have been introduced in consequence of this resolution, or any further proceedings had thereon, in parliament.

After this period, this important branch of colonial trade languished and became greatly depressed, notwithstanding the provisions of the 8th Geo. 1. c. 12. s. 2. and the dif-

* Commons Journal, 36 vol. p. 468.

ferent kinds of timber therein enumerated, were allowed to be imported *duty free*, when, in the course of 1806, the injurious consequences resulting from such a system being represented to government, the policy of taking off the duties on masts, spars, and bowsprits, imported from thence; to which they had become liable after the 24th June, 1781, under the 12th Chas. 2. c. 4. and subsequent acts, was suggested; and in order to promote the trade, which had been thus nearly lost, it was proposed that the former *bounties* should be revived, and allowed on the importation into Great Britain and Ireland, and the British West India islands, of *all kinds* of timber, the growth and produce of the British colonies in America imported in British bottoms.

This suggestion was partially adopted, and by an act passed on the 21st July, 1806*, during the late ministry, it was made lawful to import into Great Britain and Ireland in British or Irish vessels, navigated according to law, *masts, yards, and bowsprits*, (which were excepted in the lumber acts), or timber fit *for naval* purposes, the growth or produce of the British provinces in America, *free of duty*, but this act is limited, and expires on the 1st of *January*, 1809, three years before the expiration of the 8th Geo. 1. c. 12. s. 2. which is continued to the 29th Sept. 1812, so that at present all kinds of timber may be imported from the King's colonies *duty free*.

It is to be regretted the proposition to revive the bounties formerly granted on the importation of timber from the colonies had not been acceded to: for, surely, it is more politic to take from our own dependencies those articles required for general consumption than to purchase them of *foreign* countries; and if that cannot be done with so much cheapness, it is certainly consistent with sound policy to countervail the difference either by bounties on the importation from the British settlements, or by increased duties on the importation from foreign states. In another point of view, it may be said, considerations of revenue are not to be overlooked; which may, probably, have conduced to the partial and narrow system now pursued with respect to the timber trade of these provinces; yet it is presumed the advantages which the state will derive from giving full effect to this trade, by granting bounties on the importation from thence of *all kinds* of timber, will considerably counter-

* 46th Geo. 3. ch. 116.

balance any loss of revenue from its adoption; recollecting the immense sums of money which are annually sent out of Great Britain and Ireland, to the Baltic states, for timber of various descriptions; thus fostering the naval power of of those nations, which at every period of our distress is turned against us*, whilst our exports to those countries are small, and the trade with them disadvantageous to the British Empire. A more kind and liberal policy towards the loyal colonists in America, to which they are entitled from their sufferings and losses in the cause of the mother country, cannot fail ultimately to be highly beneficial to the latter in every point of view, political and commercial.

From recent information, it appears there were at the close of last season, cargoes of timber prepared at Quebec for 100 sail of ships, for which sufficient tonnage could not be obtained; and it is the opinion of many persons well acquainted with the trade, that with common industry two voyages may be made in a year from Quebec to any part of Great Britain and Ireland, though it may be thought that the severity of the winter in that country is unfavourable, by reason of the rivers being frozen; but the reverse is the fact, for to active exertion in procuring timber, it proves a great facility, by enabling the wood-cutters to draw the timber from the woods on the snow, to the banks of rivers, from whence they are floated in the spring.

It has likewise been suggested, that it would afford sufficient encouragement to the timber trade of the British colonies, to *extend* the duties † imposed in Great Britain on the importation of other *foreign* timber, to the timber imported from the United States, and thus promote the British timber trade, whilst it gave effect to the treaties between Great Britain and other powers from whose dominions timber is brought; and which it was stipulated, in such treaties, should be put on the same footing as the most favoured nation. This discrimination in favour of the timber trade of the United States cannot, it is presumed, be justified under the present situation of the King's colonies, or consistently with the treaties with other states.

This trade, besides these and other obvious advantages, will, in future, be the means of keeping within the British dominions, a great number of the King's subjects, whose an-

* Mr. Baring's examination, &c. p. 21.

† See opposite statement A, shewing the duties imposed on timber, &c. from the United States, and from other countries, distinguishing each.

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nual emigration has encreased the population of the United States to an alarming extent, a great proportion of which may be recovered, and induced to settle in the British provinces. The spirit of emigration* to the United States is known to be kept up more on the reputation of the advantages obtained by *former* adventurers, than from any benefit which that country *now* affords. It must be apparent to every attentive traveller in passing through the United States, that the labour of America is in a great measure performed by the natives of the *old* countries, who, on their first emigration, might with very little trouble have been settled in the British provinces, which are the only states in North America that furnish to emigrants good lands convenient to navigation; it becomes therefore an object of great national importance to consider of the best means to encourage persons disposed to emigrate, to give a preference to the British colonies in North America.

The circumstance of the navigation of the river St. Lawrence, being occasionally frozen over part of the year, is not so great an impediment to the trade of Canada as represented, for though it may affect lumber, the freight of which is a material consideration, yet it cannot injure the trade in flour†, which, if properly packed, is not liable to damage in a short time; besides, the trade to the West Indies from this province may, to obviate that difficulty, be so timed‡ as the trade between Canada and Great Britain, and no inconvenience or interruption can then arise.

The recent contracts entered into by different branches of the public service for white oak staves§ from Canada, and for a considerable quantity of masts, bowsprits, spars and other naval timber‖, will tend in some degree to revive the trade of the British provinces, which have not been so adequately encouraged by the mother country as true policy required. To induce them to engage more extensively in the cultivation of their lands, and in the timber trade and fisheries, encouragement by bounties or otherwise should be afforded them, and *permanent* LEGISLATIVE *regulations* adopted, so that they may be secured, in future, from those evils

* See Earl Selkirk on Emigration.—Weld's Travels.—Eden on Maritime Rights.

† Report of the Board of Trade in 1784

‡ Appendix, No. 8. p. 190.

§ Ibid.

‖ Ibid, 206.

they have so severely felt, from the temporary and impolitic expedients resorted to by the government of Great Britain, in the regulation of the trade and intercourse between the King's dominions and the United States of America.

The other productions of Canada are, wheat, peas, beans, barley, oats, and potatoes*. The timber consists of oak, firs, pitch pine, ash, elm, beech, birch, and maple. They likewise trade in furs, feathers, fish oil, salt provisions, and many other articles; but more extensive information on this subject may be obtained by reference to the exports and imports of the provinces, and to the memorials and other documents transmitted by the colonists to government, some of which are printed in the Appendix to this volume, as it is probable, discussions may arise on these subjects before the existing differences with the United States are finally adjusted. The facts disclosed in these papers cannot fail to interest the feelings of the English nation; and it is to be hoped, the present administration will realise the expectations which have been formed of their intention to carry into effect the measures contemplated by Mr. PITT, for the relief of these provinces and of the West India and Shipping interests, namely, by the resumption "of those MARITIME "RIGHTS which our forefathers fought and bled to establish, "and to maintain which Great Britain, even within our own "remembrance, while at war with all the great maritime "powers of Europe, *who then disputed with her the* SOVE-"REIGNTY OF THE SEAS, attacked and crushed the *northern* "*confederacy*†."

It has long been an object of the government of this country, to promote and encourage the cultivation of hemp and flax in the British colonies in America; and for that purpose bounties have been given, and various means‡ adopted to attain an object of such importance, as that of raising, within the British Empire, these two valuable materials; and

* Appendix, No. 8. It is likewise stated, that iron ore and copper ore have been discovered and found in great abundance, in many parts of these two provinces. "Remarks on the Conduct of Russia and France," p. 101.

† Concessions to America, &c. p. 23.

‡ Transactions of the Society of Arts, &c. vol. 21, &c. By the 24th Hen. 8. c. 6, it was enacted that "Every person having in his occupation threescore acres of land apt for tillage, should sow one rood with flax or hemp seed, on pain to forfeit 3 *s.* 4 *d.* for every forty acres. An acre to be counted 160 perches, and every perch 16 foot and a half." See also, 21 Hen. 8. c. 12., on the culture of hemp at Bridport

there can be no doubt, that if measures are now adopted to secure the *home* market to the growers of them for a reasonable period, such extended cultivation and improved management will take place as will render Great Britain in a very few years independent of foreign countries for these raw materials of her manufactures*.

Early in the present reign the attention of the legislature was *again* directed to this subject, and by the 4th Geo. 3. c. 26. which states, "that the encouragement of hemp and rough "and undressed flax from his Majesty's colonies and plan- "tations in America, would be the means of furnishing this "kingdom with sail cloth and cordage (so essentially neces- "sary for the supply of his Majesty's royal navy, as well as "for ships in the merchants' service), and tend to make the "supply of such materials cheaper and less precarious;" it was enacted, that from and after the 24th June, 1764, until the 24th June, 1788, certain bounties should be paid on the importation of hemp, water rotted, bright and clean, or any rougher and undressed flax into GREAT BRITAIN from the British colonies in America, in ships navigated according to law, and the same was continued by the 26th Geo. 3. c. 53. s. 12. to the 24th June, 1806, and from thence by the 46th Geo. 3. c. 29. s. 4. to the 25th March, 1808.

Within the last two years proper persons have been appointed by government to superintend and aid the exertions of the colonists who might be induced to cultivate this article in Canada; but the encouragement hitherto afforded has not been considered adequate, or likely to induce the generality of landholders to engage extensively in the cultivation of hemp. It has unfortunately happened that of the hemp seed

and the manufacture of cordage there. These two acts were continued by the 33d Hen. 8. c. 17 for a limited period; and by the 2d sect. of this act, it was enacted that hemp or flax should not be watered in any river, stream, or pond, where beasts were used to be watered, but only in the grounds or pits for the same ordained, on pain of forfeiture as therein mentioned. These two acts having expired, the 24th Hen. 8. c. 6. was revived and altered, by the 5th Eliz. c. 5. s. 29. which enacted, that instead of one rood, as therein mentioned, one whole acre or less, as by proclamation should be limited, should be sown with linseed, otherwise flax seed, or hemp; but these statutes were afterwards repealed by the 35th Eliz. c. 7. s. 21. The other acts on this subject are the 15th Chas. 2. c. 15.—2d W. and M. sess. 2. c. 4. s. 31, 32.—4th W. and M. c. 3.—7th and 8th W. 3. c. 39.—11th and 12th W. 3. c. 16.—1st Ann. stat. 2. c. 8.—Ibid. c. 18.—3d and 4th Ann. c. 10.—8th Geo. 1. c. 12.—4th Geo. 2. c. 27.—22d Geo. 2. c. 7, and those mentioned in the text.

* Sir F. M. Eden, on Maritime Rights.

sent out to this colony, a considerable part turned out to be *kiln dried*. The soil for hemp should be rich, deep, light, and moderately dry. Of this description much can be found on the banks of the creeks and rivers in Canada*. Upper Canada, from the nature of its soil and climate, has been thought to be peculiarly well adapted to the cultivation of hemp, and some good samples have been produced and brought from thence. Whether it will ever become an article of general cultivation in this province is dubious † from the high price of labour, and the loss it is supposed a farmer would sustain by the culture of hemp instead of wheat and other grain. This apprehension, however, does not apply to New Brunswick or Nova Scotia, where the lands are equally good, and calculated for the cultivation of this valuable article, and where it appears experiments have been made with success and profit.

"Estimate of the produce and expence of an acre of land cultivated with hemp in *Nova Scotia*.

PRODUCE.

	£	s.	d.
Ten hundred weight, at 35*s.* per cwt.	17	10	0

EXPENCES.

First ploughing, 7*s.* 6*d.* second and third, 8*s.*	0	15	6
Three harrowings	0	6	0
Two bushels of seeds, at 12*s.*	1	4	0
Sowing, covering seed, and water furrowing	0	5	0
Pulling, eight day's work, at 2*s.* 6*d.*	1	0	0
Drying and bundling, two days	0	5	0
Watering, grassing, drying, and housing	1	0	0
Carting to and from the water, say one mile	0	10	0
Dressing ten hundred weight, five days' work, per hundred weight, 2*s.* a day	5	0	0
Rent of land	1	0	0
Total expence	£11	5	6
Clear profit per acre	£6	4	6

In this calculation abundance of labour is allowed, and large prices for it, particularly for the dressing, which is the heaviest expence. In the winter season, labourers might be paid and fed for half the wages allowed, and would soon, it is thought, do more work. Yet after deducting all expences

* Wissett on the Cultivation and Preparation of Hemp.

† Transactions of the Society of Arts, &c. vol. 21. p. 457,

and the rent of the land, there is, in this instance, a clear profit, exceeding the whole produce of an acre of the best wheat*."

In Lower Canada flax is raised, of which the inhabitants make coarse sheeting and sacking, and some seed is annually exported from thence to Great Britain and Ireland. Under the present circumstances of Europe, it appears not improbable that the cultivation of this plant may be successfully extended in the British colonies, not with a view to manufactures there, which certainly would not answer, but to supply Ireland with flax-seed for her manufactures. It is unnecessary to enlarge on the national advantages which will result from producing within the king's dominions hemp and flax, to such an extent as would nearly supply the whole demand of those articles for naval stores and manufactures, and also corn † and other grain, with timber sufficient for the general consumption of the empire; for though there may be a scarcity of oak timber in Great Britain, the oak of the colonies is little inferior to it, and is equal to foreign oak; besides there are many other species of timber which might be substituted in shipbuilding, and can be obtained in several of the other dependencies. It is, therefore, an object of importance to consider how these resources, which it is reasonable to conclude the British empire possesses within itself, are to be called forth with the speediest and greatest possible advantage to the state; consequently it becomes a fit subject for *immediate* consideration and inquiry; which it is to be regretted cannot be pursued with effect, whilst his Majesty's ministers are so systematically opposed in all their measures.

——————As the SEA
YOUR EMPIRE OWNS ‡, and from a thousand shores
Wafts all the pomp of life into your ports;
So with superior boon may your rich soil,
Exuberant, nature's blessings pour
O'er every land, the naked nations clothe,
And be *th' exhaustless granary* of a world! THOMPSON.

* Annals of Agriculture.

† See Dr. Johnson's thoughts on agriculture, wherein he says, "when Britain was subject to the Romans, she *annually* supplied them with great quantities of corn." The authority on which this fact is stated is most probably from Strabo. For a very interesting account of the Exports and Imports and Shipping of Great Britain from A. A. C. 55, to A. D. 449. see Henry's History of England, vol. 2. p. 195.

‡ See Waller's panegyric on Cromwell, 4to. p. 180, &c. and most of the other English poets, for many brilliant and happy allusions to the maritime preponderancy of Great Britain.

Nova Scotia and New Brunswick.

NOVA SCOTIA.—This province was originally granted to Sir William Alexander, in 1621, and in 1784, it was divided into two states, namely, NOVA SCOTIA and NEW BRUNSWICK. Their situation is more advantageous to Great Britain than any other on the continent of North America; not only from their connexion with Canada, the adjacent British islands and the fisheries, and from their nearer proximity to the mother country, than the other dependencies, but also from the superior excellence and number of their harbours, creeks and inlets, and the facility with which they can supply the British West India islands with the various kinds of lumber, boards, scantling, staves and shingles, live stock, such as horses, oxen, sheep and hogs; pickled and dried fish, and salt provisions, namely, beef, pork, and butter; which articles, were the navigation laws enforced, could be had from thence in British bottoms, and delivered in the British West India islands at as cheap rates as they are now furnished in American vessels from the United States, and with greater certainty and regularity, instead of the precarious supplies they now receive from thence. It is well known the Americans will not supply the British islands, if there is the least chance of an advanced price to be had for such articles in the foreign islands, the Mediterranean, or elsewhere; the consequence of which is, that our islands are frequently experiencing inconvenience from scarcity, whilst at other times their markets are glutted; and thus it is, the English merchants are driven out of the colonial *supply* trade, from its uncertainty and great fluctuation.

The situation of NOVA SCOTIA is highly important to Great Britain, as a maritime power, for the excellent opportunities it affords for the accommodation of the navy, lying considerably to the eastward of the United States, and affording shelter and protection on every side, by means of its numerous harbours, which are well adapted for ship-building, the fisheries, and the timber trade, from the peculiar advantage of being accessible at all seasons of the year.

The woods of these provinces abound with all the various kinds of timber to be found in New England. The pine forests are not only valuable for furnishing masts, spars, all kinds of lumber, oak staves excepted, and ship timber, but likewise may be made to produce occasional supplies of tar, pitch and turpentine. The various species of birch, beech, elm, maple and spruce, are found in all parts in great abundance.

These two provinces, likewise, produce considerable crops

of Indian corn, wheat, barley, rye, oats, peas, and beans. The cultivation of which might be much extended, if the provinces received due attention and encouragement: indeed, they have become objects highly interesting to the mother country, and are deserving the attention of the legislature; who should direct inquiries to be made as to the nature, soil, and resources of them, the land being generally well adapted for the cultivation of all sorts of grain, and of hemp, flax, and tobacco.

On every part of the coast there are fishing banks, of various extent, and in different depths of water, on which cod-fish is found in all seasons, notwithstanding the representations to the contrary. The variety of sea and river fish is great; those taken and cured for exportation are, the cod, herrings, mackarel, the shad, and salmon, which can be procured in any quantities. Fish can be cured, and carried from Newfoundland and the Bay of Fundy to the West Indies at as cheap a rate, and of a superior quality, than most of the fish sent from the United States. Herrings have hitherto been carried to the West Indies from these two provinces at a cheaper rate than from Great Britain *. The Bay of Fundy abounds with seal, the oil of which is preferable to the whale, besides the useful purposes to which its skin is applied. The numerous harbours in this bay are, likewise, accessible at all seasons of the year, and its navigation much more certain and less dangerous, than many other parts of the American coast.

It is not, however, to be expected that the inhabitants of these two provinces will become extensive exporters of grain; the soil, as well as climate, being so much better adapted for other valuable pursuits, to grazing in particular. In all those parts which are called the New England States, it has by experience been found to be the most advantageous occupation; and, long as they have been settled, it is known they still prefer importing from other places the flour and corn they consume, to raising it themselves. For grazing, no part of the United States can exceed these provinces; horses, oxen, sheep †, swine, poultry, and all the various

* Appendix, No. 8. p. 190.

† By 46 Geo. III. c. xvii. which passed on the 22d March, 1806, *wool*, the produce of the *British* plantations in *America*, is allowed to be imported into the United Kingdom, notwithstanding the 10th and 11th William III. c. x. s. 19. until the 25th March, 1809; and accounts of the wool so imported are directed to be made up annually by the commissioners of the customs and revenue, in Great Britain and Ireland.

articles under the denomination of live stock, are there raised in the greatest abundance, and sold at the lowest prices: in proof of which, it is only necessary to mention, that formerly the inhabitants of Halifax and St. John's were accustomed to import these articles from Boston, and other places; but now, in addition to the large quantities required for home-consumption, his Majesty's navy on the *American* station, and occasionally that on the *West India* station, with the King's troops in both provinces, are amply supplied with live stock and fresh provisions, and several thousand barrels of salted beef and pork are annually exported.

Numerous saw-mills have been lately erected in various parts of Nova Scotia and New Brunswick, and there is every reason to believe, that, with the assistance of Canada for oak staves, they are fully adequate to supply the lumber required in the British West India islands; but of this fact no just estimate can be formed, whilst the relaxations of the navigation and colonial system are persisted in and continued, and whilst so great a proportion of that article, though prepared by *British* labour, is carried to market in *American* vessels: yet, if it should appear on investigation that the quantity of lumber prepared in these colonies is not, at present, quite equal to the consumption in the British West India islands, the remainder of the supply may easily be obtained from the United States in *British* ships, if the trade was revived and again regularly established; and of which no doubt can be entertained, from the offers of the merchants at New York, in 1805, when they apprehended the old system was to be resumed *. It is, however, necessary to state, there is no occasion whatever for sugar to be exported in *casks*; it may as well be packed in *boxes*, made of any kind of wood, similar to those used for the same purpose in the foreign Colonies, or be put into bags like the sugar imported from the East Indies and other places.

Iron ore † abounds in many places, as well as lime-stone,

* Reports of the Board of Trade in 1784 and 1791, and also debates on the American Intercourse Bill in 1806.—See the letters from New York, Jan. 1805, in Lord Sheffield's Strictures, p. 162. Copies of similar letters, it is understood, were delivered to one of the late ministers, at the interview of the merchants and ship-owners on the American Intercourse Bill.

† Copper ore, the produce of the *British* plantations in America, is subjected by the 8th Geo. I. c. xviii. s. 22. to the same regulations as other enumerated commodities of the like nature, and the same has been *continued* by subsequent statutes to the 29th Sept. 1809, and from thence until the end of the then next session of Parliament.

grind-stone, and coal which is to be found in abundance in the eastern and northern parts of the province *. The export of *gypsum* has been already stated to be an object of great importance, and the carriage of it, if *confined* to *British* ships, cannot fail to encourage ship-building in the provinces; to which there is reason to believe the United States must resort for coal in a very few years, as other kinds of fuel have become scarce and dear in the sea-port towns of the eastern provinces of the United States.

The country along the shores of the river St. John, extending across the province of New Brunswick more than 200 miles, and other lesser rivers in the same province, abounds with pine trees of various dimensions, suitable for masts, &c. for the navy, more in number and value than are to be found in the King's other provinces in America, that is, in the vicinity of large rivers, for from no other situation can they be conveniently brought to market. From within a few miles of these rivers, the largest masts are drawn on the snow, when from 2 to 3 feet deep, with teams of 20 or more pairs of large oxen, to the banks of the rivers, from whence after the ice is gone, and the rivers are full, and in some places overflown, they are floated to their mouths and exported to Great Britain.

In this point of view the province of New Brunswick is more valuable and important to the mother country, than the other provinces.

The other products of New Brunswick are similar to those of Nova-Scotia. Its staple commodities are, however, fish, lumber and † salted provisions; of fish there was exported from New Brunswick, in 1806, to Jamaica, 35,000 barrels, besides about 13,000 barrels to the United States, for *contraband* articles, in addition to which, there was also exported to the West-Indies upwards of 2,000 barrels of beef, besides pork. It also appears in the same year, there was shipped in American vessels, from the islands in the Bay of Passama-

* Post, Appendix, No. VI. page 102; the memorial from Halifax.

† Extract from a letter from Trinidad, dated the 23d of February, 1808, to a merchant in London.—"My last advised the receipt of your favour covering Invoice and Bills of lading of —— barrels, &c. of beef and pork shipped by the ——. Our market has been lately supplied very abundantly with salt provisions from *Nova Scotia*, &c.; there is consequently very little prospect of a speedy sale, and as they sell their provisions, *so much lower*, than provisions from Ireland can be afforded at, I cannot encourage you to repeat your shipment."

quoddy, upwards of *five millions feet* of *pine boards**, which were sawn at the mills on the streams on the British side of the boundary line.

The bounty granted in 1806, on fish exported from these colonies to the British West-India islands, was likely to have revived and encouraged the fisheries; but whether from design or from American influence, the views of the British government were that year in some measure frustrated at Jamaica, from the people there, giving the herrings exported from New Brunswick the name of *shads*, thereby reducing the bounty from 2s. 6d. to 1s. 6d. per barrel. This sort of fish is generally known by the name of herrings, though they are sometimes called alewives (clupea serrata) and are no doubt the fish on which government intended the duty of 2s. 6d. per barrel should be allowed, their object being evidently to encourage the exportation, from the provinces, of such pickled fish as were produced there and used in the British West-India islands.

This fish, which the inhabitants denominate herrings and sometimes alewives, is a species peculiarly adapted for the West-India market, being equally nutritious with the herrings from Europe, and possessing a greater degree of firmness, they are capable of being kept longer in warm climates. In such abundance are they to be found, that the quantity cured can only be limited by the insufficient number of hands employed in that business.

The full bounty of 2s. 6d. per barrel has since been paid, in consequence of the arrangements which have recently been adopted, to secure it to the British North American colonies, according to the intention of government. The statement of the imports and exports, which was laid before the house of assembly of Jamaica, during their late session, shews how

* The annual export of lumber from New Brunswick, prior to 1804, exceeded *ten millions* of feet. See post, appendix, No. 5, p. 100, which is nearly equal to the whole amount of the import of *lumber* in Jamaica in 1805-6. The Editor regrets he has not been able to ascertain the amount of the export of *lumber* from Nova Scotia and Canada, it is however believed to be considerable. Account of *lumber* imported into the island of Jamaica, between the 30th of September, 1805, and the 30th September, 1806.

From	*Feet*		*Ships*
British American Colonies	770,709	—	British
United States	10,096,031	—	American
Ditto	268,629	—	British
Total feet	11,135,369.		

See Yorke's Review, 2 Vol. p. 318.

large a proportion of all the pickled and dried fish imported into that island *last* year was taken from the British colonies in America, and when it is considered that the *principal part* of those imported in *American* bottoms, and which are presumed to be *American* fish, were in reality caught and cured by the British Colonists in North America, there surely cannot be a doubt of their capability to furnish the British West-India islands, in conjunction with the mother country, with ample supplies of that necessary and valuable article. It was probably, on this presumption, that in the late order of council * the article of fish was added to those of beef, pork, and butter, which constituted the articles excepted and not allowed to be imported in *American* vessels. The object of including fish in this exception has, however, been entirely frustrated; for it appears by the *Jamaica* newspapers, that fish is still allowed to be imported into that island in *American* bottoms. If the subjects of the United States were restricted, *in toto*, from the carriage of this and other articles in their own vessels, the British colonists would willingly relinquish their claim to the bounty, and then, but not until then, will their resources be duly appreciated and known. From what these two provinces, with Canada, have already done, under circumstances very inauspicious, it may be fairly presumed, they are capable under proper encouragement, of furnishing large and abundant supplies of the articles consumed in the British West-India islands.

The danger of a scarcity of this article in the British West-India islands, which has been so repeatedly re-echoed by the advocates of the new system, is as absurd, as the misrepresentations† of the supporters of the intercourse bill, in 1806,

* The order of council of the 1st July, 1807.

† Woodfall's Parliamentary Register, 22d May 1806, p. 485, wherein it is represented a certain *noble Earl* stated, that "owing to the interruption of the intercourse during the American war, *it had been ascertained* that about 15,000 negroes had died *for want*, or from being improperly fed, in the Island of Jamaica alone, in the course of 6 years"!!! See also the newspapers of the 23d of that month.

Sir William Young, evidently aware that the clamour raised on this ground was unfounded and not warranted by the fact, observes in his Common Place-book with more prudence "that much distress *was alledged*, that it had even been said, that a number of negroes in Jamaica to the amount of 15,000 had died of *famine*, that he mentioned it as a *current report*, but did *not* vouch as fact, what *he could not* authenticate." p. 130, 131.—The truth is, there was not any scarcity,

were weak and mischievous; for it is notorious to every person connected with Jamaica, that the average price of pickled and dried fish, throughout the whole of that year was only from five to six dollars the barrel and quintal, and lumber and every other article at the same proportionate low rate*.

In the intercourse, which the subjects of the United States maintain with *their other allies*, they are obliged to pay heavy duties on all the articles they carry to, or bring from *their* West-India islands; although the want of such articles must be as great, if not greater, in those settlements, than in the British islands; it is also well known that the duties imposed on cargoes imported into the *United States*, in *British* ships, are very considerable; in no instance less than £15 per cent. ad valorem, and in many upwards of £30 per cent. If, then, this indulgence is continued, and the subjects of the United States are to be tolerated in *their* intercourse in *their own* vessels, with the *British* West-India islands, why not compel them to pay proportionate duties there? It is a tribute, which without hesitation or reluctance, they pay to *other* powers, and which they exact from *British* subjects in *their own* ports; it surely, therefore, ought on principles of reciprocity and justice, to be demanded from them in British ports, in case the impolitic relaxations of the ancient system are any longer to be continued. It may not be improper to observe that in some of the King's West-India settlements, there are tonnage and other island duties imposed on *British* ships resorting there, but from which it is stated *American* shipping have in many instances been *exempted*, † particularly those American vessels in which are imported articles allowed by *Proclamation!*

The great change which has taken place in the condition of the British North American colonies, since the indepen-

though at the period alluded to many negroes died from the inclemency of the weather during the hurricanes, but not in very great numbers, as *Mr. Jenkinson* (now Earl Liverpool) stated in the debate on the intercourse, on the 17th February 1786. See also reports of board of trade, 1784 and 1791.

* Post, Appendix, Nos. 5 and 6.

† See Appendix, p. 104, 106, which points out the necessity of requiring the governors of the West-India islands, to transmit annually to government, statements of the *colonial* duties imposed on the imports and exports of the islands, and on the shipping employed in that trade.

dence of the United States, renders part of the colonial system inapplicable to their present state, as they are more in contact with countries, which have become foreign to Great Britain, and have not only the facilities of interfering in their trade, which so obviously arise from similarity of manners and language, as well as proximity of situation; but also from a right *by treaty of entering all their ports, bays, and harbours* for the *ostensible* purpose of *fishing**. These causes operating on the restricted state of the trade of the provinces, have brought the *contraband* trade with the United States to such a *regular system*, that the duties upon the exports of the United States, to foreign countries, which are drawn back in favour of their trade to all *other* places, are withheld on their exports to Canada, Nova-Scotia and New Brunswick; so little do they consider the British merchant as a successful competitor in this trade, that the consumer has the full duties of the United States added to the price of the foreign commodities, with which the provinces are supplied in a contraband way, and this is effected without the British merchant's being able to rival them in the articles of East-India and West-India productions, the manufactures of Great Britain and Ireland, foreign liquors, wines, oil, and fruit, which are supplied from the United States, in quantities sufficient to constitute a great part of the whole consumption of the King's provinces. On this trade, in addition to mercantile profits, and besides the advantage of the returns in fish, lumber, furs, feathers, butter, oil, plaister of Paris, and money, the government of the United States have the full amount of the duties, as well upon the articles *exported*, as upon most of those *imported*. Whilst the advantages of this contraband trade are so great, it is impossible for the most vigilant revenue officers in the provinces to do little more than enforce obedience to the law on the part of the honest trader, who is under such depressing circumstances deterred from actively pursuing and extending his commercial concerns.

To enable the fair trader to enter into competition with the contraband trader, by carrying the fish suited for the *European* market to the place of its consumption, it became desirable that he should be allowed to make the return of his fish cargo in *other* articles besides salt; which was the only article, prior to 1806, he was permitted to

* See Appendix, Nos. 5, 6, and 7.

bring back: it was therefore suggested by an eminent character connected with the provinces, that it would be highly beneficial if the merchants could import wine, oil, and fruit, in addition to salt; that the trade would then become an object deserving their attention, as the salt alone would not produce, in point of value, an adequate return. That such indulgence would take from the merchants of the United States, the export of the fish of the British provinces, to the European market, on which they had the profit, and the government of that country, a duty of half a dollar per quintal, and enable the British merchants to supply the King's provinces with those articles of consumption, which were then principally furnished in a contraband way from the United States, and that it would also tend to revive the fish trade to Europe, which the British merchants in the colonies had been obliged to abandon.

It was further represented, that it was an indulgence to which the province of Nova Scotia had an additional claim under the resolution of the house of commons in 1775, when the necessity of the measure was not so obvious.—"Resolved, "That it is the opinion of this committee, that it will be advisable to admit a direct importation into the province of "Nova Scotia by His Majesty's subjects, in ships and vessels "*qualified by law*, of all wines, oranges, lemons, currants "and raisins, the growth and produce of any foreign country "whatsoever, provided such wines, oranges, lemons, currants and raisins, be imported directly from the place of "their growth and produce, and provided also that the said "commodities be not imported into any other part or place "within the said province, except the port of Halifax*."—This resolution originated in a petition from Nova Scotia, which created much debate and opposition, but was ultimately carried and a bill ordered to be brought in on the subject, but which does not appear to have been done†.

This suggestion, to a certain extent, was afterwards adopted, it being deemed expedient to depart in this instance, from a principal point of policy in our colonial system, that of confining to the mother country, the export of European articles for the supply of the colonies; but this was in an instance, where a colonial object could at the same time be greatly promoted, without injury to British Shipping or

* Commons Journal, vol. 35. p. 400, 467—16 Geo. 3. 1775.
† Parliamentary Debates, Oct. and Nov. 1775.

British manufactures; indeed, it might be called an object of the mother country, as the benefits of the fishery, more than any other branch of colonial trade, seem to centre directly in this kingdom, especially those of the Newfoundland fisheries. In the distress occasioned to the British fisheries by the war in the countries of the Mediterranean, it was considered whether a depot of fish could not be made at Gibraltar and Malta, and the ancient markets supplied from stores laid up at those places. In projecting this new trade, it was seen, that not only a great easement would be given to the British fisheries, but great encouragement would be holden out to foreign purchasers, if the European produce required in the colonies could be shipped directly from those two places of resort.—To authorise this, it was enacted by the statute 46 Geo. 3. c. 116, that *fruit, wine, oil, salt,* or *cork,* the produce of Europe, may be shipped at Malta, or Gibraltar, for exportation direct to the king's plantations in North America, in any *British-built* ship, navigated *according to law,* which shall arrive with the produce of those fisheries, taken and cured by His Majesty's subjects, carrying on the same from any of the said plantations, or from Great Britain or Ireland respectively.

The effect of this regulation, which is too limited, and should not have been confined to Malta and Gibraltar, cannot be felt during the present war; it is, however, proper to observe, that the return cargoes of European produce, are restricted to be carried in *British* shipping.—This act passed soon after the American intercourse bill in 1806, and was introduced by the late ministers, who ought, in *that* instance, to have acted with the same patriotic and national feeling as they did in this case, and have confined the trade between the British West India islands and the United States to *British* shipping.

From various causes, the British North American fisheries have languished and declined; amongst them, the most prominent are those before stated; the improvident grants of islands in the bays to private individuals; and the impress of the men belonging to the fishing vessels.—The impress of the *fishermen* while *employed* in the fisheries and coasting trade, instead of adding to the naval strength of the empire, diminishes it, by inducing the fishermen to *emigrate,* whereby the nursery for seamen is destroyed, as the fisheries formerly furnished most of the seamen who navigated the British

merchant vessels in their intercourse with *America*, and who in that capacity were always liable to serve his Majesty.

The *American* trade and fishery to the coast of Labradore and Streights of Bellisle, employed in 1805, above *nine hundred* sail of vessels belonging to the *United States*; if they were *prevented* from *trading* and *fishing* in the *harbours* and *rivers* of that settlement, they would abandon it; as the *sea* fishery is not worth following, and the trade and fishery would then be engaged and occupied by British subjects, who at present are excluded from any share in it, by the superior numbers of the Americans, who *seize on every station* which is advantageously situated, and hold the same to the *exclusion* of British subjects, and this is even done under some of the improvident grants before referred to.

The Nova Scotia fishermen, thus excluded from the fishery of the gulph of St. Lawrence, by the subjects of the United States, have resorted to that part of the Newfoundland shore, which was formerly occupied by the French, where there are some advantageous stations; but they have been driven from thence by the officers of his Majesty's ships on the Newfoundland station imprudently impressing their men.

The encouragement by the legislature of the fish trade to Europe, and to the British West India islands; the prevention of the encroachments of the United States, on the islands in Passamaquoddy bay; the suppression of the contraband trade carried on there, and securing to British fishermen protection from the impress*, will revive a branch of trade in the British colonies, which is of the first importance to Great Britain, as a nursery for seamen, and which furnishes beyond any other, the most extended consumption of British

* By the 41st Geo. 3. c. 21. s. 30. which was a temporary Act, persons employed in the fisheries were *exempt* from the impress, but which is not contained in the subsequent statutes, which continued some of the provisions of that Act; indeed statutable protections from the impress, have of late years (notwithstanding their importance as encouragement to persons to enter into the Merchants' service and fisheries) been too much disregarded, and the expence, trouble and vexation in the service of and in obtaining (by Habeas Corpus) the discharge of persons so protected, has been such, as not only to deter the owners and masters from applying for them, but likewise to discontinue taking apprentices as extensively as formerly. The costs of obtaining the writ of Habeas Corpus are inconsiderable; it is the subsequent charges, and the difficulty of service by the removal of the men from ship to ship, which constitute the great expence and inconvenience.

manufactures.—It cannot be denied that the fishery of the United States, by the wisdom of its government, increases to an astonishing degree, under great disadvantages arising from the local situation of their country. While the British fishery, with every natural advantage in its favour, has declined every year, not only, from the interference of the Citizens of the United States, but also from the want of adequate encouragement by the Mother Country, which would soon revive it, and be the means of inducing great numbers of the fishermen who have emigrated, and are now employed in foreign service, to return to their allegiance.

> Oh is there not some patriot, in whose power
> That best, that godlike luxury is placed,
> Of blessing thousands, thousands yet unborn,
> Thro' late posterity? some, large of soul,
> To cheer dejected industry? ——————
> And teach the labouring hand the sweets of toil?
> —————— with venturous oar
> How to dash the wide billow; nor look on,
> *Shamefully passive*, while *Batavian** fleets
> Defraud us of the *glittering finny swarms*,
> That heave our firths, and croud upon our shores;
> How all-enlivening trade to rouse, and wing
> The prosperous sail, from every growing port,
> Uninjured, round the sea-incircled globe;
> And thus, in soul united as in name,
> Bid BRITAIN reign the MISTRESS of the DEEP.
>
> THOMSON.

The admission of neutral ships into the trade of the British West India Islands, has likewise proved seriously detrimental, not only, to the inhabitants of the British North American provinces, but also to many persons in the West India settlements†, whose capitals were embarked in plantation shipping. On the termination of the war in 1784, very few ships or vessels belonged to these settlements, but the good effects of adhering to the navigation system after that period, were as striking as they are incontrovertible, as will be seen by the rapid increase of colonial shipping, contrary to the assertion of the West India planters, before the Board of Trade, who then stated, that any shipping being fitted from the islands was hopeless‡.

* For Batavian read *American*.

† In Bermuda and the Bahamas.

‡ Reports of the board of trade, in 1784 and 1791, edit. 1807, which are highly deserving at this time of grave attention from the

The following statement* clearly shews the *increase* under the *old*, and the *decrease* in the employment of *plantation* shipping under the *new* system.

Ships belonging to the British *West India* islands, exclusive of captured colonies, and employed in the trade between those islands and the United States, including their repeated voyages.

	Ships.	*Tons.*	*Men.*
In 1794, when the navigation acts began to be relaxed	706	86,010	5,115
In 1804, in consequence of the suspension of the navigation laws	67	7,629	626
Decrease in ten years	639	78,381	4,489

Ships belonging to the British *North American* provinces, and employed in the trade between those colonies and the British West India islands, including their repeated voyages.

	Ships.	*Tons.*	*Men.*
In 1794, when the navigation acts began to be suspended	229	24,900	1,452
In 1804, in consequence of the suspension of the navigation laws	100	11,906	734
Decrease in ten years	129	12,994	718

Decrease of Ships belonging to and employed in the trade of the British *West India* islands in ten years	639	78,381	4,489
Do.—The British *North American* colonies	129	12,994	718
Total decrease in the employment of plantation ships in ten years, under the suspension of the navigation laws	768	91,375	5,207

British ships employed in the direct trade from the *United States*, which entered *inwards* in Great Britain, in the following years;

	Ships.	*Tons.*	*Men.*
In 1786,	216	36,875	
In 1806,	53	11,347	748
Decrease	163	25,528	

important and valuable information they contain; these Reports were framed by lord Liverpool when president of that board. Vide lord Sheffield on American commerce, and also Chalmer's Estimate, p. 166.

* See Mr. Rose's speech on the American Intercourse Bill, 1806.

British ships employed in the direct trade to the *United States*, which cleared *outwards* from Great Britain in the following years:

	Ships.	*Tons.*	*Men.*
In 1786, . . .	213	39,651	
In 1806, . . .	39	8,731	447
Decrease . .	174	30,920	

It must, however, be admitted, that the whole of the decrease of British ships employed in the *direct* trade with the United States was not, altogether, attributable to the suspension of the navigation act, as there were other causes which contributed to it; yet, it is evident, how injurious the operation and effect of the new system have been on British plantation shipping, as well as on the shipping of Great Britain: the latter of which has, even within the last three years, decreased nearly one-half, viz.

Ships built in *Great Britain*, according to the returns to Parliament.

	Ships and Vessels.	*Ships and Vessels.*	*Tons.*	*Tons.*
In 1803, .	1096	decrease	115,627	decrease
1804, .	714	382	80,146	35,481
1805, .	713	1	71,256*	8,890
1806,* .	549	164	58,480	12,786
Total decrease of ships and vessels in three years . . .		547	Total Tons decrease	57,157

Thus, one of the most important branches of trade, which constitutes of itself a manufacture of the first impression, from the employment which it affords, and the encouragement it gives to national industry, will continue to decline, until the OLD SYSTEM is revived, and the shipping of the empire are put on a more equal footing with the ships of foreign nations; either by an increase of the alien duties, or by the substitution of others, sufficient to countervail the great difference in the expence of building and equipment of British ships and of those of other countries.

* The account of ship-building in Great Britain for 1807 is not yet presented to parliament, but it is apprehended there is a further decrease of tonnage. It is, however, too obvious, from the present state of the private building-yards in Great Britain, there is little inclination to build merchant-ships; and, it appears, some inconvenience has been lately felt from the want of vessels for the Irish trade, and in parts of the coasting trade. See also a table of the *annual consumption* of shipping in the Collection of Reports on Navigation. edit. 1807.

The new system originated in an order of council of the 16th January, 1795, which was extended by a subsequent order of the 21st of the same month, and was afterwards established by the Dutch Property Acts, and those made in consequence of them: by which any *neutral* ships whatsoever, and however manned, were allowed to bring to this kingdom *any* sort of goods from *any* country or place whatsoever, under an order of his Majesty in council. The first act passed on this subject, was the 35th Geo. 3d. c. 15. which allowed the inhabitants of the *United Provinces*, to bring and land their goods and effects in Great Britain, under the limitations therein mentioned; and, before the close of that session, by another act, the 35th Geo. 3d. c. 80. the proprietors of *all* goods that had or might afterwards come in, were allowed to take them out of warehouse, and either re-export or otherwise dispose of them, upon payment of the duties, and complying with the regulations contained in the act.

By the 36th Geo. 3d. c. 76. a *new* principle was adopted, and the provisions of the two former acts very generally extended, though for a limited period, under orders of council, to ships belonging to *any* country *in amity* with his Majesty, and which was, as well as the two former acts, continued by subsequent statutes; namely, the 37th Geo. 3d. c. 12.; the 38th Geo. 3. c. 9.; and the 39th Geo. 3. c. 12. In the last of these sessions, by the statute c. 112. the suspending power was further extended, and his Majesty authorized, for a limited period, to permit any such goods as should be specified in any order of council to be imported in ships belonging to the subjects of any state *in amity* with his majesty.

These four acts relating to Neutral Ships were continued by the 39th and 40th Geo. 3d. c. 9. and c. 17. The *three former* were finally continued by the 39th and 40th Geo. 3. c. 65. to the 1st of January, 1804; and the *latter* by the 41st Geo. 3d. G. B. c. 20. which having expired, was renewed by the 41st Geo. 3. U. K. c. 19. and continued for a limited period.

The Peace of Amiens soon after taking place, the three first acts were taken into consideration, and repealed by the 42d Geo. 3. c. 80., in which other provisions were substituted, for continuing this trade in neutral shipping, in a manner supposed to be less invidious to the Shipping

Interest of Great Britain, until it should finally terminate, and the Navigation System resumed as before the war. This act, however, authorized, under orders in council, the importation of the produce of any part of America or the West Indies, not under the King's dominions, in neutral ships, provided the goods so imported were warehoused, and not removed but on entry for re-exportation.

This grievous extension of the New System having been seriously felt, and great injury resulting from it to the British Shipping Interest, his Majesty's then government, it appears, were induced to extend the same privileges to British Ships, by admitting them, under orders of council, to the same advantages of importation which had been granted, and previously enjoyed by foreigners under the former acts. This extension was accordingly legalized by the 42d Geo. 3. c. 80. sec. 2.; and limited in its duration until the first of September 1802; but even by this act certain articles, namely, rice, snuff, and tobacco, were excepted, though allowed to be imported in neutral shipping. This restriction on British Shipping was alleged to be in conformity with the regulations established under the Revenue acts.

After the renewal of the war, the New System was during Lord SIDMOUTH's administration more generally extended under the 43d Geo. 3. c. 153. which authorizes, under orders in council, the importation in *neutral* ships of *any* goods from *any* place belonging to any state *not in amity* with the king, during the present war, and for six months after it.

The provisions of this statute are very extensive; the last section of the act being considered a virtual dispensation from the navigation system, in regard to countries with which we were at war; and the same discretionary power with respect to foreign America, and the West Indies, was vested in his Majesty, as had been granted by the 42d Geo. 3. c. 80. which was revived and continued by the 44 Geo. 3. c. 30, *until eight months after the ratification of a definitive treaty of peace.*

These two statutes, the 42d Geo. 3. c. 80. and the 43 Geo. 3. c. 153. with the 45th Geo. 3. c. 34. enabled his Majesty to grant all those facilities to neutrals which had been so justly complained of by the Shipping Interest: the im-

portations under the latter act must be by licence from his Majesty, and of articles the produce or manufacture of countries, not prohibited to be used or consumed here. The trade carried on under this act differs from that under the 39th and 40th Geo. 3. c. 34. in as much as there is no restriction on the tonnage of the vessels; and the articles imported under it may be sold for *home* consumption, except sugar and coffee, which must be warehoused for exportation: it therefore only remained requisite to vest the same power in his Majesty, with respect to countries *in* amity, which he had by the 43d Geo. 3. c. 153. in regard to countries *not in* amity, and then the *whole* navigation system was liable to be suspended at discretion; which it appears had been done in some instances, even before this act passed; but the illegality thereof was cured by an act of indemnity, namely by the 45th Geo. 3. c. 33.

By the 44th Geo. 3. c. 29. his Majesty was also authorized to allow certain enumerated articles to be imported in any *foreign* ship, on payment of the same duties as in a British ship. This act was limited in its duration, but afterwards continued, with the addition of goat skins, by the 45th Geo. 3. c. 80., and further continued by the 46th Geo. 3. c. 29. s. 9. to the 25th March, 1808. It is to be observed, that none of the articles enumerated could be imported from *any* place in a British ship, except goat skins, which were allowed under the 15th Geo. 3. c. 35. and which was made perpetual by the 31st Geo. 3. c. 43.

These are the leading features of the several statutes, which established and gaveper manency to "the system of suspension;" attempted to be justified on the presumed ground of necessity, but which, in the opinions of well-informed and disinterested persons, did not exist to warrant such a radical change in a fundamental law of the land. The principle adopted in the act which allowed goods to be imported in time of peace in neutral vessels and to be warehoused for exportation had never been acted upon in any former peace; nor was it warranted by then existing circumstances, for it is well known that at the close of the *last* war several thousand tons of British Shipping could not procure employment. It was the injurious operation of these acts, which induced the

Ship Owners to apply so frequently between the years 1801 and 1804 to the legislature and government, but their applications were not attended to, though the depression on the Shipping Interest began to be more generally and severely felt.

The rapid discharge of seamen from the navy at the commencement of the late peace was also attended with great injury to the state, from the vast numbers of them who emigrated to France* and other foreign states, in search of employment: many thousand tons of British Shipping were, likewise, obliged to be sold or let to foreigners, under circumstances peculiarly distressing, especially those chartered to the Dutch and French merchants; and the owners of those ships cannot fail to remember the losses they sustained by the want of protection which was on the commencement of this war so unaccountably withheld from them†.

It may perhaps be considered invidious to make any further observations on these transactions; they certainly tended considerably to increase the depression on British Shipping, and though it was difficult, in 1802, to obtain freights for them almost at any rate, *neutral* ships were continued to be employed in the trade of this country, in time of *peace*, under orders in council.

Whatever contrary opinions may have been promulgated on this subject, the navigation laws were certainly violated and infringed by the importations in neutral ships under the suspending acts; yet it has been asked, "*where is* "*the evidence that the principle of the navigation law was in the* "*smallest degree violated*‡?" By the 12th Cha. 2. c. 18. the principle was established, of securing to British Ships the exclusive trade to and from the British plantations; and the importation into Great Britain from all parts of the world was confined to British Ships, or to the ships of the countries of which the goods to be imported were the growth, or produce. It is not contended by the Shipping Interest that the navigation laws were established to encourage and secure trade, but to increase shipping and seamen; the object of

* Alley's Vindication of Lord Sheffield's Strictures, p. 55. Also the Petitions to Parliament in 1802.

† See printed Case of the Owners of British Ships which were let on freight during the late peace, to the subjects of the Batavian Republic. Edit. 1803.

‡ Mr. Cock's Answer to Lord Sheffield's Strictures, p. 6.

the founders of that system being to promote navigation, in order to encrease the naval power of the kingdom. Commerce can be carried on as well in foreign as in British shipping, especially in time of war, because the former are free from capture, and are navigated at much less expence, consequently their freights are lower: it is therefore obvious that in case neutral ships are allowed to trade to and from Great Britain, to countries where British ships *can go*, the number of the latter must unavoidably be considerably *reduced*, and the nursery for British Seamen affected in the same proportion.

These relaxations have been attempted to be justified, first, on the ground of necessity, and afterwards on the advantages supposed to be derived by merchants to whom goods were consigned from abroad, and imported in neutral shipping into this kingdom, although they were not the growth or produce of the country from whence they came, or of the country to which the neutral ships belonged, and which were entered for home consumption, or warehoused for exportation. It may be admitted, that under the provisions of these acts, goods to a certain extent came to this country for a market, which probably would not otherwise have been brought hither; but the benefits accruing from such importations were infinitely too inconsiderable to counterbalance the serious injury done to British shipping, by allowing neutral vessels *not* belonging to the countries from whence the goods came, to bring articles for *home* consumption, which if such indulgences had not been granted to them *would have been brought* in British ships, except from the countries of the enemy, to which the suspension of the former system should have been confined; and even in that case limited to articles indispensably necessary in British Manufactures, and to them only; for the more bulky articles obtained from the enemy's countries, such as Brandies, &c. should not have been allowed to be imported *direct* in neutral vessels, but only to have been taken to a *neutral port*, and the importation of such articles *from thence*, confined to British bottoms; which would have been highly beneficial to the Shipping Interest and the West-India planters; for the encreased freight and expences on such spirits would have operated as a bounty on Rum from the British Colonies, without any injury to the revenue, whilst it produced a proportionate depression on the Enemy. It is understood an application to this effect was made by the Shipping Interest to

the Board of Trade during the late administration, but without success.

Under the operation of some of these statutes the injury to the British merchant was manifest, and to the revenue very great. The British merchant, in the course of regular importation, entered his goods on their arrival, and paid the duty immediately. The foreigner warehoused his goods without paying any duties, and they were allowed to remain in his own warehouse, under no other care than that of an ordinary custom house officer, till the foreign merchant chose to declare whether he would take them out for home consumption or for exportation; he therefore, in the first instance, was spared the use of so much capital as the duties would have amounted to on the importation of the goods, and actually saved the duty on that part of them which was wasted, or clandestinely taken out of store, between the landing and regular delivery of the goods. Thus, it is clear the relaxation did not* produce any advantage to the trade of the country, or any benefit to the revenue; on the contrary, in all importations from countries in amity with Great Britain, which were warehoused, a certain loss accrued from waste, or from the goods being clandestinely taken thereout, which was often done. The injury sustained by the British merchant, under the operation of these regulations, is now fortunately obviated by an equal and wise system established by a subsequent act, which is beneficial to the merchant and not injurious to the revenue (except by the postponement of the payment of the duties), as the goods are deposited in security, and the public interest cannot suffer by waste or plunder, the duties being payable according to the measure or weight of the goods when first imported.

In order to countenance and give effect to the new system, it is likewise stated "that in the *American* war, if "we had rigidly adhered to the laws of the 17th century "we should not have been able to defend ourselves against "the formidable confederacy by which we were assailed †". This assertion is, however, calculated to mislead; for the departure from the old system in the American war, cannot justly be compared with the suspension of it during the late war, under the acts before mentioned: for the act of the

* See Mr. Cock's Answer, p. 8. † Ibid.

19th Geo. 3d. c. 28. only allowed British built ships, *though owned by foreigners*, to import certain enumerated articles in case three fourths of the crew were British subjects, or the subjects of the countries from whence the cargoes were imported, but in the latter they were liable to the *alien* duties; and by the 20th Geo. 3. c. 20. ships in the merchants service were permitted, as is customary in time of war, to be navigated by three fourths foreign seamen.

These are the only acts passed in the American war, which interfered with the policy of the navigation system. Besides the several acts which were passed in the course of the last war to authorize the suspension of the former system, the same was further extended as before stated, by the 44th Geo. 3d. c. 29. which allowed for a limited period, hides, wool, and other articles of raw materials for manufactures, to be imported here in any foreign vessel whatever, under orders in council; and by a subsequent act, the 45th Geo. 3. c. 34. *all* importations from countries belonging to *foreign* European princes in America, are allowed in neutral ships: thus it appears, by the laws now in force, goods may be brought not only from the countries of the enemy, in any *neutral* shipping, *however navigated*, but likewise from the territories of foreign states, in Europe, as well as on the continent of America; though the articles so to be imported are not the growth or produce of the country to which the ships or vessels may belong.

It is likewise asked, but with what propriety is not obvious, "were we ever so flourishing in commerce * at any former period as in the peace which succeeded the war during which *we had thus deviated?*" It is well known that the nation was never in so depressed a state as during that war, and that the measures adopted by Mr. PITT, to which is to be attributed the revival of the trade, commerce, and manufactures of the country, and also the improvement of the revenue in the peace that followed the American war, had not the most remote connexion with the relaxation of the navigation system which afterwards took place.

It appears the trade of Great Britain has invariably increased in time of war (except in the American war), and it is to be seen, that in the period prior to the operation of the acts which suspended the navigation system in 1797, it

* Mr. Cock's Answer, p. 12.

had rapidly encreased from the commencement of the last war.

In 1792 the actual * value of the imports of Great Britain were	£.19,659,358
and the exports	24,466,849
In 1796 the imports were	23,187,000
and the exports	28,025,000

It is, however, to be admitted, that the indulgences which were too generally granted to neutral ships, under these acts, must have occasioned some addition to the imports and exports of the kingdom, which were principally from the United States and the foreign West India islands; but the point for consideration, which arises out of this system, is whether the transit of such goods, in *neutral* ships, through this country to the continent, compensated for the serious mischiefs, which have resulted from the operation of the suspending statutes.

Ingenuity seems to have been exhausted in the endeavours to justify the new system and to impress on the public mind the advantages to be derived from its continuance: whilst facts the most erroneous have (it is trusted unintentionally) been stated, and adduced in its support. The only instances in which such relaxations may, consistently with true national policy and the preservation of the naval power of the country, be allowed, is in the admission of dyes, in neutral vessels direct from the enemy's country in time of war, and of such other articles which are indispensably requisite in British manufactures; and in the case of the country of an ally being in danger of being over-run by the common enemy, it may be prudent to admit the produce of it and the property of the inhabitants to be brought away, on the emergency, in ships of any neutral nation, as was recently done in the case of Portugal on *Junot's* approach towards the frontiers of that unhappy country.

As illustrative of the advantages pretended to have been derived under the suspending acts, when they had arrived at their *full* † operation, a comparative statement is made of

* Appendix, No. I. to the Examination into the Increase of the Revenue, &c. by the Right Hon. George Rose. Edit. 1806.

† Mr. Cock's Answer, p. 28.

the* value of the exports and imports in 1792 with those in 1801.—It is stated,

That † in 1792 the value of the imports was		£.50,000,000
Whereas the real value of all goods of every kind imported that year into Great Britain was only	£30,405,000	
From which should be deducted the value of corn imported	£1,353,000	
So that the value of imports in that year was only		£29,052,000
In 1801 ‡ the imports are stated at		£80,000,000
Whereas the real value of all imports in 1801 into Great Britain, including £786,000 of prize goods, amounted to	£57,331,000	
From which must be deducted the value of corn imported	£10,409,000	
Making the value of the imports in 1801 only		£46,922,000
The *exports* of 1792 are likewise represented as § amounting to		£60,000,000
When in fact the value of the exports were that year only		£34,500,000
And in 1801 ‖ the *exports* are stated at		£110,000,000
When in truth the real value of the *exports* that year was only		£57,517,000

This exposition of the facts advanced in support of the advantages declared to have arisen from the new system, points out, how necessary it is to be cautious in giving implicit credence to the assertions and the arguments of its advocates. Again; it is remarked, that "from the preceding statement, it is evident that in the last three years of the

* In 1792 the official value of the imports was - £19,659,358
and the exports - - - - £24,466,849
In 1802 the official value of the imports was - £32,795,556
and the exports - - - - £37,786,856
See Mr. Rose's Examination, Appendix, No. I.

† Mr. Cock's Answer, p. 28. ‡ Ibid. § Ibid. ‖ Ibid.

peace, the most flourishing period of the trade, which the commercial history of England had then to record, the amount of commerce and revenue was beyond all comparison less* than the amount of three last years, even of war only distant nine years from the period of peace; and it is evident both from detail and result, that this increase at an unfavourable epoch, was greatly owing to that liberal *change of policy* which admitted a free trade through *every* conveyance by which Britain could be benefited." This reasoning, it is presumed, cannot be maintained; it evidently arises from a mistaken view of the subject: the commerce of Great Britain, as compared with it in time of peace, having greatly increased in the last war, *before* the system of suspension was acted upon.

From 1785 to 1790 the imports were	£17,077,000
and the exports - - -	17,213,000
From 1792 to 1796 the imports were -	21,025,000
and the exports - - -	25,971,000

And in the wars of 1742 and 1756 the trade of the country likewise increased to a very great extent, and, as before mentioned, it has generally done so in periods of war, with the exception of the American war, which is to be attributed to the peculiarly disastrous circumstances attending it.

It is also observed, "if, as Lord Sheffield professed, to deem necessary to our salvation as a commercial and naval nation, Britain had rigidly adhered to the navigation system of the 17th century, the consequence would have been that we should have had *much less than half* the commerce and revenue to meet the arduous contest in which we were engaged†." To show how unwarranted this statement is, as applicable to the commerce of the country, it is only necessary to refer to the following comparison of foreign and British ships employed; which must convince even those persons who believe there exists a necessity of permitting, in time of war, the employment of neutral ships, in the trade of Great Britain, in breach of the navigation laws, that it is an erroneous conclusion, and cannot be maintained. It has already been stated, the revenue did not profit in the most trifling degree by the employment of neutral carriers, except in the articles to and from the countries of the

* Mr. Cock's Answer, p. 29. † Ibid,

enemy. The home consumption was not increased by neutral vessels being employed in the trade to neutral nations; and the statute of the 36 Geo. 3. c. 76, which extended generally the provisions of the Dutch property acts, having passed in May 1796, it could not of course have had any extensive effect, indeed it is so admitted*, until after 1799.

STATEMENT of *Foreign* and British Ships, which entered *inwards*, with their repeated voyages in the following years: viz.

	Foreign.	*British.*
In 1797	451,000	1,121,000 war
1798	420,000	1,289,000
1799	476,000	1,375,000
1800	763,000	1,379,000
1801	780,000	1,378,000
1802	480,000	1,794,000 peace.

The other observations in support of the new system are equally incorrect: for instance, "this immense rise in our trade, and financial resources, *while our shipping interest was promoted more than ever;* our mercantile sailors more numerous than ever; affords the strongest proofs of the wisdom of that *change* of laws which accommodates itself to circumstances. Can that be *unwise* policy which has so much *increased* private and public wealth, the grand objects of political economy; and *under which* our *chief bulwark of strength* has become powerful beyond all example†?" Surely the employment of neutral ships in the trade to countries, where *British* ships *could have gone,* cannot tend to increase British ships, or British seamen, or countervail the loss of freight to the Shipping Interest: under these circumstances, it is apparent the new system has not produced those advantages which its advocates anticipated and have been so desirous to prove and establish; but on the contrary, the most serious evils have resulted from their adoption, which, in the course of these observations, it is presumed will be most clearly shewn, although it is stated‡ "that the number and tonnage of British ships *employed*

* Mr. Cock's Answer, p. 27. † Ibid. p. 29. ‡ Ibid. p. 24.

since the acts in question have* *not been diminished*, but greatly increased." It however appears, that

In 1796, the tonnage of British ships employed in the trade of Great Britain (exclusive of coasters), was - - - -		*Tons.* 1,474,000
That in the succeeding year, 1797, it decreased to - - - - -		1,121,000
And in 1801, the British tonnage employed, only amounted to	*Tons,* 1,378,000	
From which should be deducted, to make a comparison, the increase of British shipping in the trade of the British colonies and the captured islands, in the interval between 1797 and 1801; because the trade to those colonies could not have been affected by the suspending acts, which are so highly commended by the advocates of the new system, as the act of the 37th Geo. 3. c. 3. which passed in 1797 extended the privileges of British ships to those vessels which were taken, and belonged to the captured islands; and which, of course, extended considerably, during this period, the quantity of British tonnage	124,000	
		1,254,000
British tonnage employed in 1796 - -		1,474,000
——— ——— in 1801 - -		1,254,000
Decrease in the employment of *British* shipping, under the suspending system, between 1796 and 1801, at the close of the last war† - - - -		Tons 220,000

In answer to the complaints of the Shipping Interest in 1802, on the improvident indulgences which had been, and were continued to be granted to neutral shipping, much

* Mr. Cock's Answer, p. 24.

† See the Parliamentary Papers for these years.

stress, it appears, was laid by the then ministry*, on the statement of the exports and imports of the country; and the value of the merchandize exported confounded with the increase of shipping. It is, however, easy to shew that such was not a fair criterion; for instance, on a comparative estimate of four years immediately preceding the late war, it will appear, that,

In 1789, 1790, and 1791, taking the average of those years, that the tonnage of *British* ships, which cleared at the custom-house, was	*Tons.* 1,312,570
And that of *foreign* shipping, in the like period	140,686
Whilst, in 1792, the tonnage of *British* ships, which cleared out, was only - -	1,396,003
And that of *foreign* ships, in that year -	169,151
Making an increase of British shipping of nearly *one-fifteenth*, or - - - - -	83,425
And an increase of foreign shipping of nearly *one-fifth*, or - - - - -	28,470
The value of goods exported, on the average of the three former years, was - -	£ 20,955,137
And in the latter year - - Being an increase of about one-fifth.	24,466,849

If, therefore, the value of the exports had increased one-fifth, and in the same period the tonnage of British shipping only one-fifteenth, it was rather too bold to argue that the increase of one was a fair criterion to judge of the increase of the other, and subsequent to that period an infinitely greater proportion of foreign ships were employed in the trade of this country, for it appears, that

In 1797, before the provisions of the Dutch Property Act could have had much effect, the tonnage of *foreign* vessels trading with Great Britain was - - - - -	*Tons.* 451,000
And that in 1801, when in full operation, it amounted to - - - - -	780,000
Being an *increase* of *foreign* tonnage under the suspending acts in the trade of Great Britain, in *five* years, of - - - - Tons	329,000

whilst there was a very considerable decrease in the employment of British tonnage as before stated. In this

* See Cobbet's Political Register, 1st and 2d vols.

manner the employment of the shipping of Great Britain decreased, and the tonnage of neutral ships employed in British trade under the operation of the suspending acts increased; although the reverse has been most confidently stated and attempted to be shewn by the advocates of the new system *.

Another inconvenience resulted from the suspension of the navigation laws, by the encreased employment it afforded to neutral shipping; namely, the difficulty it often created in procuring foreign seamen for British vessels. At every period, when English seamen are required for the navy, it is obvious how injuriously every measure must operate which enables foreign seamen, who would otherwise be employed in British merchant ships, to find so readily safety and employment in neutral vessels, in which they are not liable to be captured by the enemy, or occasionally impressed into the king's service.

In addition to these objections to "the suspending system," a constitutional point arises, of some importance; as the acts on which it is founded divest parliament of it's legislative faculties, and invest the same in the privy council, so far as relates to the foreign trade and commerce of Great Britain, and to part of its colonial trade under the American Intercourse Bill of 1806; indeed it approximates in principle to the doctrine of *non obstante*, which, according to the best legal and constitutional authorities, has always been looked upon with a jealous eye. It is to be observed there is no authority in the Act of Navigation to enable his Majesty to suspend the provisions of it; it may therefore be fairly contended, under the statute of the 1st William and Mary, sess. 2. c. 2. sec. 12, that the acts which authorise the suspension of the Navigation System established by an *antecedent* statute, the 12th Charles II. c. 18. are contrary to that provision of the Bill of Rights; the words are, "and be it further declared and enacted by the authority aforesaid, that from and after the present session of parliament, no dispensation by *non obstante* of or to any statute, or any part thereof shall be allowed, but that the same shall be held void and of no effect, *except* a dispensation be allowed of in

* See Alley's Vindication, in which this subject is most ably and impartially treated.

such statute, and except in such cases as *shall be specially provided for*, by one or more bills to be passed *during the present session of parliament.*"

It is not intended by this observation to question the omnipotence of the British legislature, but merely to point out the words of this statute, which appear to have been either misunderstood or disregarded. It is evident the framers of the Bill of Rights intended by this clause to preclude the exercise of the *non obstante* or dispensing power, as to the provisions of *former* statutes, except such power was invested by such statutes in the crown; or in such other cases as might in the course of *that session of parliament* be specially provided for; and that as to future or subsequent acts, the crown should not exercise the dispensing power, unless the same was granted in the act, the provisions of which it might, from change of circumstances or other cause, be necessary to suspend.

A reference to the debates on the temporary Acts for regulating the trade between Great Britain and the United States, after the acknowledgement of their independence, will prove the propriety of these remarks. It was observed by Mr. GEORGE DEMPSTER, in the debate on one of these acts in 1787*, "that when he voted in favor of the proposition that the government of the trade with America should be vested in his Majesty in council, he felt some reluctance, being conscious that *he resigned the powers of that house, in an unconstitutional manner;* but the unsettled condition of the United States of America, and the peculiar circumstances of the times, appeared to him to warrant such a resignation of his own right as a member of parliament, and to justify that concession. The case was however now different, and he saw no reason why the house should not re-assume their powers, and return as soon as possible to the exercise of their functions. Every friend to the constitution, he conceived, must feel with him upon the subject, and the persons who originally asked for the act confessed themselves at the time to be conscious that they were unavoidably obliged to desire what was obviously unconstitutional."—"That annual acts were no novelty"—"but he could not help being of opinion that the sooner the house returned to

* Debrett's edition, vol. 36, page 429.

the *ancient* practice, and the less they trusted to the discretion of the executive government, the better."

The evils resulting from such innovations of our maritime laws are great; their injurious operation on the Shipping Interest manifest; and the ultimate depression they will produce on the naval power of Great Britain becomes daily more apparent. The British Ship-owners have also too much reason to complain of the *facility* with which licences have been granted by the Privy Council, (notwithstanding the abuse of them) authorising the employment of neutral ships in the trade of this country, and it is from the experience which they have dearly bought in that respect, they are so anxious the former system should be resumed.

It is observed by LORD SHEFFIELD, "the very existence of these powers is calculated to produce various mischief. When the regulation is known and fixed, commerce may direct its concerns accordingly. But when men in office and governors unrestrained by any written statute, regulation, or principle may suspend or alter the accustomed direction of trade, the prospects of commerce will be rendered uncertain and precarious by the precariousness of the regulation, and commercial speculation in consequence will be intimidated and depressed. It cannot be expected that trade can prosper under such circumstances; firmness and stability of system can alone enable speculation to look forward with any mercantile confidence to the future, to prosecute its plan with steady determination, and to anticipate with any probable security those necessities which it may be called on to supply. But what inducement is left to commerce which may, in a moment, be counteracted in its views and objects by discretionary orders; what provision will be made for the supply of distant markets, if those markets be daily liable to be opened by orders from the treasury or council to foreign competition, and thereby rendered precarious, hazardous, and unsteady; what merchant will continue in a trade which the signature of a West-India governor may hourly interrupt or defeat? I think, therefore, it cannot be denied that these powers of discretion so eminently liable to abuse, are at least dangerous and repulsive to trade; that they tend to introduce into commercial concerns uncertainty and indecision, which cannot but confine or repress the enterprise of the merchant: and I must also add, that they are so hostile to the genuine spirit of the law and the constitution, that ministers have thought it necessary to

procure an annual act of indemnity for the exercise of those discretionary powers*."

These are the constitutional and commercial objections to the statutes, by which the Act of Navigation, emphatically styled, "The Charta Maritima of England," has been during the last twelve years suspended, to the serious injury of the better interests of the country. It should always be remembered, that our brave and wise ancestors never did for any purpose of revenue or of political accommodation to other states, depart from the strict principle of the Navigation Laws, but took especial care, that our own trade was carried on in our own ships, and invariably made the commerce of the country the medium of the increase of its shipping.

"What, my thoughtless sons, should fire you more
Than when your well-earned Empire of the Deep
The least beginning injury receives?
What better cause can call your lightning forth?
Your thunder wake? your dearest life demand?
What better cause, than when your country sees
The sly destruction at her vitals aim'd?
For, oh, it much imports you, 'tis your all,
To keep your trade intire, intire the force
And honour of your fleets; o'er that to watch,
Even with a hand severe, and jealous eye." THOMSON.

The Shipping Interest having pointed out the ruinous consequences resulting from the suspension of the navigation and colonial system, and the concessions to neutral nations; the advocates † of America and the partisans of the late ministers, have availed themselves of every opportunity to calumniate that respectable and valuable class of his Majesty's subjects, by representing that in *their* opposition to the *American* intercourse bill, they attempted *to impose* ‡ on parliament, and that the *domineering* spirit which they evinced, on that occasion, fell principally on the West-India planters ‖.

This calumny which had been chiefly confined to anonymous publications, would have been passed over and treated with the contumely it merited, had it not been countenanced by the author of the defence of *America*, for such it must be § considered, whose rank and situation in life entitle

* Lord Sheffield's Strictures, 2d edition, page 225.
† Medford's Oil without Vinegar, &c. &c.
‡ Emancipation in Disguise.
‖ Mr. Baring's Examination, p. 170. § Ibid, p. 2. to 13.

him to attention and respect; it consequently becomes necessary, however reluctantly the discussion is entered upon, to point out the motives of such conduct and the sedulous endeavours, which continue to be made, to depress the Shipping Interest of Great Britain and the trading interests of the British colonies in North America.

It will be recollected that the *American* intercourse bill as *originally* introduced by EARL TEMPLE, authorized THE KING, with advice of his privy council, to *suspend*, during the present or *any future war*, the navigation and colonial system in the British settlements in the West Indies and South America, both as to *exports* and *imports*; which placed the whole of the colonial trade, in all its branches, in the hands of ministers, and rendered the mercantile and shipping interests of the empire entirely dependant on the officers of the crown *. The alarm which was excited by this *enormous extension* of the *suspending* power of the crown, induced not only the ship-owners and the merchants and others interested in the *export* trade of Great Britain, to petition the legislature on the subject, but likewise the merchants engaged in the trade and fisheries of the British North American colonies †.

The deep and lasting impression which their opposition to that unnecessary and impolitic measure made on the public mind, is a convincing proof that, on that occasion, "a few common place phrases about our *old navigation laws* and *maritime rights*" *did not* "answer the place of argument, and"—that much, and not, as it is stated, "little trouble was taken to ascertain in how far they may or may not be really injured, by any remedies suggested *for the relief of others* ‡." On the contrary, the petitioners urged *the necessity of an inquiry*, before a committee of the house of commons, on the state of the shipping and navigation of the country, and of the resources of the King's colonies in America, and *on the result* of that investigation *they were willing to abide*; but all their entreaties were unavailing; and notwithstanding the high

* See introduction to Collection of Reports, &c. on Navigation and Trade, edition 1807.—Stockdale.

† See the Votes of the house of commons, session 1806, for the numerous petitions presented *against* the American intercourse bill, and *compare* the bill as *originally* introduced with *the act* which *ultimately* passed on the subject. See also *Alfred's* letters to Lord Holland in 1 vol. of York's Political Review.

‡ Mr. Baring's Examination, &c. p. 170.

character which the partisans of many of the late ministers gave them, for the zeal and attachment, which it was said they peculiarly felt for the privileges of the people, they denied to them, that which on all similar occasions had been considered a matter of course, if not, of right, namely the appointment of a committee to inquire into the nature and true merits of their application!

No delay could have arisen from this investigation; it was stated, and a pledge was given, in the course of the debate on this bill, that the period for the inquiry would not exceed a fortnight, and it is not pretended any inconvenience would have been felt by the planters, there being no apprehension of scarcity. For MR. WINDHAM by his previous circular letter of April, 1806, had not only directed the governors of the West-India islands to *suspend* the navigation acts *during the war*, and to allow the importation of provisions and lumber, but he had likewise *promised* to provide for them the *usual* indemnity; thereby, unconstitutionally, *anticipating* the judgment of parliament.

It, surely, was not too much to expect from an administration, principally composed of persons who had assumed the enviable distinction and character of "the friends of the people," a ready acquiescence to an application in its nature, so reasonable, necessary, and constitutional; especially as it did not proceed from the Shipping Interest only, for whatever objection there might have been to them, from other * considerations, yet the respectability of the merchants and traders who signed the other petitions, on that occasion, independently of the *national* importance of the subject, ought certainly to have induced the late administration to have paused and reflected, before they determined to preclude all investigation.

A reference to the petitions presented against that measure, and to the brilliant and unanswerable speeches of the members of both houses of parliament who opposed the American intercourse bill†, will convince every unprejudiced mind, that the representations so industriously circulated to calumniate the Shipping Interest, and to encourage unjust prejudices against the trade of the British colonies in North America

* The Shipping Interest from their supposed attachment to Mr. Pitt, have frequently been subject to the animadversions of his political opponents.

† See Woodfall's Parliamentary Register for 1806.

are unfounded, and originate in party motives. It is, however, consolatory to observe an increasing attention to these two important interests, particularly the former, which is so immediately connected with the Landed Interest, and constitutes a very large proportion of the elective body of the United Kingdom.

When the circumstances in which the country was placed during the late war are recollected, the conduct of the Shipping Interest will be justly appreciated, from their forbearance to press, during that eventful period, on the attention of government, the apprehensions they entertained of the impolicy of the suspension of the navigation and colonial system, and the evil consequences which they contemplated would result from it. The motives which influenced their conduct were highly creditable to them; feeling the perilous situation of the country, they deemed it most prudent not to afford an opportunity to the turbulent and factious, to intermix the imaginary and unfounded grievances which, at that time, were brought forward to harass and perplex government, with the strong and well grounded claim of the Shipping Interest to the attention of the legislature*.

In 1801-2 they availed themselves of the short interval of the *peace* of Amiens and applied to government, in LORD SIDMOUTH'S administration, but without effect, and it was not until MR. PITT'S return to power in 1804, that the shipowners received the attention to which they were entitled; when the strongest assurances were given to them of an intention *gradually* to resume the *former* system; and of which no doubt could be entertained, from the measures *actually taken* during the latter part of his administration†. It also appears that on the commencement of the late war, an order was issued in November 1793 for a strict enforcement of the

* See introduction to Collection of Reports and Papers on Navigation and Trade, edition 1807. p. 26.

† Ibid. p. 22, 25. An attempt is made to render doubtful the truth of Mr. Pitt's intention to resume the old system, &c. Vide Mr. Baring's Examination, p. 7. Were it necessary in a work of this nature to go into proofs of the political opinions of a deceased minister, very satisfactory evidence can be adduced that more than one of his Majesty's *late* ministers were satisfied of the alteration which had taken place in Mr. Pitt's sentiments on this subject, and in further corroboration of these *posthumous* opinions, as they are now called, of that great statesman, it is only necessary to refer to the minutes of the colonial office, and the board of trade, during Mr. Pitt's last administration, and to some of the printed papers laid before parliament in the spring of 1806.

rule of 1756; a relaxation of which Mr. PITT was most *reluctantly* prevailed upon to acquiesce in very soon afterwards; BUT SUBSEQUENT CIRCUMSTANCES HAD, IT IS WELL KNOWN, CONVINCED HIM MOST SATISFACTORILY OF THE INFINITE IMPORTANCE TO THE COUNTRY OF GETTING RID OF THAT RELAXATION AT THE EARLIEST OPPORTUNITY, AND OF RECURRING TO THE RULE ALLUDED TO. The death of this illustrious statesman damped the hopes of every one anxious to maintain and preserve the maritime preponderancy of Great Britain, it being evident from the opinions *, openly promulgated by some (and afterwards adopted by all) of his successors, they were determined to adhere to the system of suspension, notwithstanding the injurious consequences which had previously resulted from it, and the depression they would ultimately produce on the naval power of the country.

These explanatory observations, whilst they exculpate the Shipping Interest from the charge of having *attempted* to *impose* on parliament, and of *factious* † conduct in their opposition to the *American* Intercourse Bill, will, it is trusted, counteract the illiberal attempts to prejudice their character and reputation: experience has shewn, that although the Shipping Interest, in a crisis like the present, forbear to press on the government of the country their claim of attention to their particular case; it is not to be doubted, but that under more favourable circumstances, they will avail themselves of every constitutional means to induce the legislature to adopt such measures as will protect their property from the ruin which will await it, if the maritime rights of the

* See Lord *Sheffield's* speech, the 12th of May, 1806, on the American intercourse bill: "his lordship said he had always serious apprehensions respecting the loose opinions which were so often delivered on these subjects. But his alarm had become extreme since he had heard a noble lord (Grenville) distinguished for his great abilities and information, to whom neither levity nor imprudence could be imputed, hold a language, which appeared to him intended to prepare us in consequence of the change of times and things for a relinquishment of the most essential parts of our navigation and colonial system."

Also see Mr. *Fox's* speech on the same bill, on the 22d May, 1806. "I have no difficulty in saying, that in my opinion the course should always be, in time of war at least, such as is proposed by this bill to make it, and I am not sure that it may not be necessary also in time of peace!"

† Edinburgh Review, &c.

country continue to be sacrificed and abandoned to the theoretic speculations, and new-fangled philosophy of the *modern* economists; who, by their timidity and empiricism, have encouraged in neutral powers an insatiate cupidity to demand *further* concessions *; and thus have brought upon the nation, many of those difficulties and embarrassments in which it is now placed. For, as Dr. JOHNSON has truly remarked, "to make concessions is to encourage encroachments."

The persevering efforts of the *American party* in this country, who call for a revision, or rather for an abrogation of our navigation and colonial system, and boldly proclaim, that the *only* remedy which promises some permanent and much temporary relief to the British West-India planters, is to open the ports *generally to neutrals* †; must be obvious to every one who has viewed with attention and impartiality, the mild and conciliatory conduct of Great Britain towards America.

Not content with the powerful influence which they have unfortunately obtained, their endeavours appear to be directed to mislead the public mind on many important points; or to what other motive can the following assertion be attributed, unless it is intended to encourage the prejudices of a few individuals in the British West-India colonies, whose conduct conduces to a belief that their attachment to the mother country is not so strong as their regard for the United States? "At present, by the most absurd policy, *our* planters are *prevented* from paying for the large amount of provisions and supplies from *America*, by a *return* of their own produce, *which would willingly be received*, because the *whole* of it *must go* to the mother country, where it can only sell at a loss ‡." Though by the 28 Geo. 3d. c. 6. sugar, molasses, coffee, cocoa-nuts, ginger and pimento, are permitted to be *exported* from the *British* West India Islands to the United States, in *British*-built ships §. It is apprehended by the Shipping Interest, in case sugar and molasses are not allowed to be used in the distilleries, that every exertion will be made to obtain permission to *export* from the British West India Islands to the United States in *American* bottoms, sugar and other colonial produce. If such an infraction of the colonial system should take place,

* Cobbett's Political Register, 13 vol. p. 427.
† Mr. Baring's Examination, p. 167.
‡ Mr. Baring's Examination, p. 168.
§ Reeves's History of Shipping and Navigation, 2d edit. p. 271, 272.

it cannot fail to produce the most lamentable consequences, and extend the means relied on by France for annihilating the maritime power of Great Britain.

Thus the principles and views of the advocates of the new system become apparent; for though in other parts of this work, it is (but seemingly with reluctance) admitted, "that the policy of favouring our *own* shipping, cannot be doubted *;" yet there pervades throughout the whole of this examination of the conduct of Great Britain towards America, so strong a disposition to depreciate and lessen, the just popularity with which the recent energetic measures of the present administration have been received throughout the country, that little doubt can be entertained, that such is the real object of the publication. If, fortunately, these measures are not relaxed, but are adhered to and enforced †, it being evident, "His Majesty cannot *otherwise* get out of the war with safety," the people may anticipate a successful termination of it; for on that depends the MARITIME power of GREAT BRITAIN, which constitutes at present the only barrier to universal despotism and misery, and on which the nation must rely for the continuance of its liberties and independence.

"Qui mare teneat, eum necesse rerum potiri."

"On the right of Great Britain to issue such ‡ instructions

* Mr. Baring's Examination, p. 167.

† See the Antijacobin Review for February, 1808, p. 204, for some very patriotic observations on this subject.—"The king who makes *war* on his enemies *tenderly*, distresses his own subjects *most cruelly*." —Dr. JOHNSON.

‡ "The decrees of *the lords of the ocean* may be unjust and oppressive, but *they are still mild*, when contrasted with the mere *sic volo*, which would issue from the court of the *universal* sovereign of *both* elements."—Mr. BARING, p. 119.

"We are the *Neptunes of the ocean*,
And such as traffick shall pay sacrifice
Of their best lading;"——— MASSINGER.

"*Lords of the world's* great waste, *the ocean*, we
Whole forests send to reign upon the sea;
And ev'ry coast may trouble, or relieve:
But none can visit us *without your leave*."
WALLER's Panegyric on Cromwell.

"Desparing *Gaul* her boiling youth restrains,
Dissolv'd her dream of *universal* sway;
The winds and seas are BRITAIN's wide domain;
And not a sail, but by *permission*, spreads."
THOMSON's Liberty.

for regulating, as in point of fact they do, the navigation of the sea, and the policy of issuing them, it is unnecessary here to expatiate. The principles which justify retaliation on the enemy by measures which, though in their operation injurious to neutrals, are still obvious necessary measures of self-defence, are clear and unequivocal. The *conviction* on the *public* mind (a conviction which has *preceded*, and will *not* be *lessened* by the *discussions* in parliament), affords the grateful pledge, that the nation will patiently await the result of the system adopted by ministers, in conformity with principles avowed and partially acted on by their predecessors. The same just sense of the necessity of recurring to adequate means of defence and preservation, which induced the latter at the end of 1806, to reserve the right of acting in a way that must necessarily be injurious to neutral commerce; abundantly justify their successors, under circumstances no less imperious, in carrying that right into effect*." Let them persist then in their honourable course, and they may be assured the rational part of the community will continue to support them in their most laudable efforts; for though difficulties may attend the practical operation of the orders of council, the energy and activity which suggested their adoption, will find means to facilitate their progress; and from them, as well as from any great public measure, founded on sound principles, many collateral advantages not originally foreseen, may be expected to arise.

Experience has shewn that the former increase of British shipping was to be ascribed to the navigation system, which strikingly appeared in the application of it to the trade of the United States. When these countries were part of our plantations, a great proportion of their produce was transported to Great Britain, and the British West India islands, in *American* vessels; they had likewise a share in the freight of colonial produce from those islands to Great Britain; and they annually built many ships which were employed in the British carrying trade. But after the independence of these states, and their ships had been *excluded* from *our plantation* trade, and that trade was wholly confined to *British built* ships; we not only gained that part of our carrying trade from which they were so excluded,

* Sir F. M. Eden on Maritime Rights.

but we moreover enjoyed a considerable portion of *the carriage* of the produce of the United States. The policy of this system, which has excited the admiration of friends and foes, and drawn forth the praises of the most opposite characters *, becomes every day more obvious, and the public cannot fail to be alarmed at the great decrease of British built ships, from whatever cause it proceeds. To trace the evil to its source was the object of "The Society of Ship-Owners of Great Britain" when they petitioned the legislature in 1802, during LORD SIDMOUTH'S administration, to *institute an enquiry* on the subject. Many of the writers of the present day, seem to forget, that this system was *not* intended, in the *first* instance, to *promote* trade, but to *increase* the naval strength of the kingdom; and afterwards as a *secondary* consideration, its provisions were directed to the *former* object; in consequence of which, both of them were happily attained, and continued in a progressive state of improvement and increase, until the *suspending* system was introduced: its ruinous effects soon began to be observed and felt; and latterly the shipping of Great Britain have decreased more rapidly than they ever increased, whilst a proportionate depression has been felt in every branch of trade connected with shipping.

In confirmation of these observations, and to preclude in future all doubt of their truth and accuracy, it is only necessary to recite the petition † from the merchants of London, which was presented by Mr. MANNING, on the 20th of February, 1807, to the House of Commons.

"*To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.*

"The petition of the undersigned merchants and other persons interested in the trade of Great Britain and its colonies, residing within the port of London,

SHEWETH,

"That your petitioners are most seriously apprehensive there is an intention to continue the duties imposed by the Acts of the 43d, 44th, and 46th,

* Smith, Brougham, Hauterive, and Gentz.
† See the Votes for first session of 1807.

years of his present majesty, on the *tonnage* of British shipping, and on goods and merchandizes *imported* and carried coastwise, after the expiration of the present war, *notwithstanding the solemn assurances given to your petitioners that the same should cease with it;* and which, if adopted, will be attended with the most ruinous consequences to the trading interests of the country.

"Your petitioners beg leave, with the greatest humility, to state to your honourable House, that the *depressed state* of the trading and shipping interests of the country, *results* principally from the *suspension* of the Navigation Act, and the *indulgences* granted to *neutrals*, both in the trade of the countries of the enemies of Great Britain, and in the trade of the King's dominions.

"Your petitioners venture, with great deference and respect, to state, they *are ready* and desirous *to prove* the facts alledged by them, *in support of their allegation*, that the trading and shipping interests are labouring under great depression, not only from the heavy impositions to which they are subject, but also from *the relaxations* before-mentioned; and that any measure which continues the duties on the tonnage of British ships, and the war duties on exports, would at any time be productive of the most serious danger to British navigation and commerce, but especially on the return of peace.

"Your petitioners therefore most humbly pray your honourable House, that the duties on exports and tonnage imposed by the acts before-mentioned, *may cease* with the present war: that *an enquiry* may be made into the *actual* state of the shipping and navigation of the country; and that *in future* the navigation and colonial system of Great Britain *may be adhered to*, so as to enable the British shipowners again to enter into competition with the *neutral* carrier.

And your petitioners will ever pray, &c.

Charles Bosanquet — William Lushington
Henry Davidson — John Mavor

Eneas Barkley	Laurence Brickwood
Thomas Spencer	Joseph Marryat
Thomas Wilson	Robert Shedden
Thomas Plumer	William Shedden
John Plumer	R. H. Marten
Robert Lang	Joseph Todhunter
Thomas Latham	Edward Colson
Robert Pulsford	Robert Taylor
Richard Miles	G. A. Davis
Thomas Lumley	George Hibbert
Thomas Oliver	Robert Hibbert, junr
Henry Gilbee	William Hibbert
Edward Vaux	J. P. Anderdon
Jonathan Wilson	John Turing
John Leach	J. G. Frankling
Robert Ward	Charles Campbell
James Fraser	James Bowden
William Clark	David Robertson
William Pulsford	Richard Redman
And	Thomas Reilly *.

It may not be improper to observe, that this petition failed in its effect during the late administration†; and it was left

* On this occasion a similar petition was presented by the ship-owners of London; and amongst many others may be noticed the following signatures to it:—viz.

A. Duncan	G. Laing	Alex. Henry
Thos. King	Robt. Milligan	John Inglis
Joshua Reeve	Alex. Anderson	I. L. Venner
Jonathan Fryer	R. B. Shedden	Thos. Hayman
L. Bruce	S. Minet	Jesse Curling, &c. &c.

There were likewise similar petitions from Hull, Bridlington, Scarborough, Whitby, North and South-Shields, and other out-ports.

† In further illustration of the preceding observations, the following extracts are selected from the *printed* reports of the debates in parliament, on lord Henry Petty's scheme of finance, against which this petition was presented.

Extract from lord *Lauderdale's* speech in the *British Press*, 24th April, 1807—"The noble lord proceeded also *to deny* the charge, "insinuating, that any system had been adopted by the late ministers "of breaking through the navigation system; this, with other charges "*equally false*, as to the late bill brought in on behalf of the Roman "Catholics, had effected, it was true, a *temporary clamour*."

Extract from lord *Holland's* speech in the same newspaper. "The "noble lord proceeded to animadvert on the conduct *of those* who

to the present ministers to *fulfil the assurances* which had been given in lord SIDMOUTH's administration, that the war duties on exports and tonnage should cease with it; an exception to that effect having been introduced into lord HENRY PETTY's plan of finance by the present chancellor of the exchequer.

The Shipping Interest have likewise been represented as *tenaciously* endeavouring to prevail on government to adhere to restrictions injurious to other classes of the community, evidently meaning the West India planters; but before that assertion could be admitted to be true, it surely, was not unreasonable in them, or the loyal colonists in the King's provinces in America, whose interests were so deeply implicated in the question, to require a *fair and impartial investigation* of the subject; it having been satisfactorily shown in the years 1784 and 1791, by the reports of the Board of Trade, that the mother country and its dependencies were competent, in time of war, to supply in British ships the West India colonies with the articles they consume; it was therefore assuming too much to suppose the reverse of that fact could be admitted to be true in 1806, without any inquiry or investigation.

It is presumed sufficient has been stated to establish the constitutional and political ground on which the Shipping Interest opposed the *American* Intercourse Bill; and the present state of the shipping of the Empire, unfortunately proves the fears entertained by the ship-owners, to have been too well founded; and—"that they did not cry out, before they were hurt *,"

"*assumed* the title of 'the *Shipping Interest*,' and who would have "sacrificed the *national* policy to their *own* selfish interests. He con- "sidered this *amended* Bill, as being neither more nor less, than pass- "ing a compliment to the prejudices of a few of these ship-owners."

Extract from lord *Grenville*'s speech in the *Times* of the same day.

"He entered at length, into the subject of the *alteration* of the Bill, "which he considered, after the resolution of the other House had "passed, a violation and breach of faith, in compliment to *what had* "*been called* the shipping interest. He put the case of the shipping "interest having been *clamorous* and busy at *the late* general election, "and the possibility of this sacrifice being made to them, from some "motives of gratitude for such services. He exposed the futility of "their clamours, and contended there was much to justify his "assertion."

Ab alio expectes, alteri quod feceris.

* Mr. Baring's Examination, p. 170.

The fact is, the Shipping Interest were not sufficiently known until that discussion took place, or their importance to the state truly felt by the late ministers; otherwise, it is probable, their representations would have had more weight: since then, their influence appears to have been more generally acknowledged *; and it is to be expected in future that, what, from its political importance, constitutes the second leading interest of the empire, will receive that support and protection from the legislature, which is so essentially necessary to its existence; and to which it is entitled from being accessary and principally contributing to the maintenance of the naval power of the kingdom.

The capital embarked in 1804 in British shipping †, at the low valuation of 12 l. per ton, was 27,401,804 l. sterling, and the persons who constitute the majority of the proprietors of this immense property, are land owners as well as ship-owners, and are, otherwise, deeply interested in the general welfare of the country.

It is observed by the same writer‡, that "in the general paths of trade, the *American* does not appear to interfere *much* with the *British ship-owner*. In the ports of our enemies, the latter is of course excluded and deprived of nothing by the former. The supply of *our* West-India islands with provisions and lumber appears the *only* essential point of collision. My limits will not permit me here to examine this question minutely, and I shall barely state *my opinion*, that *during war*, proper and adequate supplies *can only* be furnished by the *United States*, and in their *own* vessels."

Thus it is admitted, as it was by the late ministers §, that

* See the addresses of many of the candidates to their constituents at the late general election, amongst whom were many of the *members* of the *present opposition*, who *voluntarily* pledged themselves to support whatever measures were introduced in parliament, not only to *maintain* and *give effect* to the navigation and colonial system, but also to enforce the maritime rights of Great Britain.

† See account of ships and vessels belonging to the British empire on the 30th Sept. 1805, being the account delivered for the antecedent year, but *then* corrected:—

Ships and Vessels.	Tons.	Men.
22,051	2,283,442	157,718

It may be fairly asked, what other interest in the country, except the agricultural interest, is possessed of a visible tangible property, equal in amount to the Shipping interest.

‡ Mr. Baring's examination, 171.

§ See Introduction to Collection of Reports, &c. on Trade, &c. p. 14, edition 1807.

in time of peace, the mother country, and its dependencies, are competent to supply *properly and adequately*, in *British* ships, the West-India islands with provisions and lumber, which consequently so narrows the subject, as to render it a mere question of price. No satisfactory reason can be assigned why the supplies obtained, even from the United States, should not, in time of war, be carried in *British* ships to the West-India islands. The intercourse in *British bottoms* is of vast importance to the state, for exclusive of the freight, which was estimated in 1784 at 245,000 l. a year *, the encouragement it would afford to British shipping and British seamen, is too obvious to require explanation. It has been said, that the price of provisions and lumber would be very much enhanced by the expence of insurance; but surely a trade so beneficial to the nation ought not to be renounced because it may occasionally diminish the profits of a few individuals †. The rate of insurance, for the circuitous voyage, is 7 guineas per cent. warranted with convoy; so that in fact, the insurance of provisions and lumber from New York to Jamaica with convoy, would not exceed at most 4l. per cent., and as the insurance on American vessels for the same voyage is 2l. per cent., the extra-insurance between British ships with convoy, and American ships, would not exceed 2l. per cent., that is only 28,000 l. a year, the whole *annual* supply of provisions and lumber being estimated at 1,400,000 l.‡ An object so inconsiderable, compared to the injury and depression which is thrown on the mercantile shipping and other important interests of the mother country, by the admission and employment of *neutrals* in the trade of the British West-India islands, it is really astonishing the latter are still allowed to participate in it; besides, it may be correctly stated, that the rate of freight in the *direct* trade from the West-India islands to Great Britain, has, in some instances, been enhanced by the new system, and a scarcity of tonnage occasionally experienced in the

* Report of the Board of Trade, 1784. p. 31. See also Lord Grenville's speech (then Mr. W. Grenville) on the 14th of March, 1787, on the temporary acts, wherein he said, "that it was a species of commerce highly useful to our navigation, as it employed 50,000 tons of shipping and 4000 seamen annually." Debret's edition of Debates in Parliament.

† Debates on American Intercourse Bill, 1806; also Lord Sheffield's Strictures, p. 189.

‡ Mr. Baring's Examination, 59.

islands in consequence of British ships being driven out of the circuitous trade by the employment of Americans; so that there is reason to believe, if the subject was fairly and impartially investigated, it would appear, the planters would not be benefited by the present intercourse with the United States, if the trade with the British West India Islands was wholly confined to the articles which are now allowed by law to be imported and exported in American vessels.

It should be recollected, it is not only the injury sustained by the loyal colonists in America and the Shipping Interest by this impolitic and unnecessary intercourse, which renders it so improper, but the depression it has likewise produced on the provision trade of Ireland. Previous to the admission of neutrals into the British colonial trade, there were established in the West-India islands English merchants, whose chief business was to supply those settlements with provisions, lumber, and colonial stores; knowing the average consumption of the islands, no inconvenience or scarcity was felt or experienced, as they kept up a constant and regular supply of all the articles required, and so continued until the new system was introduced; when they found it impossible, with any rational prospect of profit, to carry on that branch of trade any longer, from the admission of supplies in *American shipping*, which so frequently overstocked the market as to produce great loss, and ultimately, in some instances, ruin to many of the British merchants engaged in that trade, in consequence of which, most of these establishments have been abandoned, but which there is no doubt would soon be revived, if the former system was again resorted to *.

In answer to the allegation, that, in general, American ships do not interfere *much* with British shipping, it may be remarked, it is difficult to find out a branch of trade in which they do not, in some measure, and successfully, compete with them. They possess nearly all the Mediterranean trade, and the great quantity of American tonnage which was lately employed in the trade of this country, under licences, is too

*Lord Sheffield's Strictures, p. 203, and the Appendix to it, for the Addresses to the Assembly of Jamaica by the English merchants on this subject; also Alfred's Letters to Lord Holland in Yorke's Political Review, vol. i. and extra-official State Papers, vol. ii. Appendix, No. 18; also Mr. Knox's Evidence before the Board of Trade, March 1784, containing much important information on this subject.

well known to be doubted; with respect to their intercourse with the British West-India islands, it is only necessary, in order to shew the evil tendency of admitting them into a participation of our colonial trade, both as it affects British ship-owners and the British American colonists, to state, that from the 5th Sept. 1805, to the 5th Sept. 1806, the tonnage of *British* ships employed in the trade of *Jamaica* was only 117,433 tons, whilst that of *American* ships was 77,133 tons, and it is probable, that in nearly the same proportion, the trade of the *other* British West-India islands is carried on*.

As these selections are from a work professed to be written with candour, disinterestedness, and impartiality; *and*, "as the public has been led by the *misrepresentations* of those who have not carried their inquiries beyond their *own supposed* † interests"—*with a view to correct*—"some very important mistakes as to facts, which at present prevail ‡:" it is therefore not uncandid to ask what confidence can be expected to be reposed in such observations, when it is without hesitation asserted, that *during war*, proper and adequate supplies can *only* be furnished the British West-India islands from the *United States* in *American* bottoms §! Thus, contradicting without proof, the facts adduced in the two reports of the Board of Trade on that subject, and negativing the allegations contained in the several petitions before referred to; which the petitioners stated they were so anxiously solicitous to substantiate and prove—

> "Qui statuit aliquid, parte inauditâ alterâ
> "Æquum licet statuerit, haud æquus est."

It, however, affords some satisfaction to observe, that amidst these endeavours to mislead the public mind, and to depreciate the navigation and colonial system of Great Britain, its policy and wisdom, though reluctantly, are admitted.

An impartial examination of this writer's statement of the imports and exports of the United States for the years 1802, 1803, and 1804, so far as the same relate to their trade with Great Britain, will refute his observations

* See Statement of Exports and Imports of Jamaica for this period, in Yorke's Political Review, vol. iii. p. 258.

† Mr. Baring's Examination p. 13. ‡ Ibid. § Ibid. p. 171.

on the subject, and show that the advantages which are represented to be derived by this country from the trade with America are greatly exaggerated.

It is stated * that the average importations from Great Britain and her dependencies into the United States for the years 1802, 3, and 4, were - - - £. 8,093,000

And the average exports from the United States to the dominions of Great Britain for the same period, - - - 5,200,000

Leaving a balance in favour of Great Britain of £.2,893,000

" Which must be paid to us by the continent of Europe from the proceeds of consignments made from America to Holland, France, Spain, Italy, &c."

It is also observed †, " That the *three years above mentioned*, included one of extraordinary *scarcity* in this country, during which our importation of provisions was unusually large; so that upon the whole, it would be no exaggeration to say, that we should draw from the continent of Europe between four and five millions sterling annually in return for the manufactures sent to America, and for which that country has no other means of payment."

It is likewise alleged ‡, that the amount of the annual importation, on the average of the preceding years into the United States from *all parts* of the world was - - £. 16,950,000

And the exports from America on an average of the same years amounted to - 15,400,000

Leaving a balance against America of £.1,550,000

And that " the balance which this statement would leave against America *must arise from the mode of stating the accounts* §. Probably it is in her favour, but not much, as her demand for European articles will naturally be regulated by her means of paying for them."

The manner in which this publication has been noticed

* Mr. Baring's Examination, p. 138. † Ibid, p. 145.
‡ Ibid. p. 139. § Ibid. p. 140.

by a few of the leading members of opposition, and the respect which has been shown to the author of it, from his general knowledge of American commerce, is not surprising; there being great reason to fear that on subjects of this nature, the public are too frequently seduced and led away by specious reasoning, rather than undergo the fatigue or trouble of looking narrowly into or ascertaining the real state of facts: it therefore could not fail to excite, some degree of astonishment to find, it stated, that the exports from the United States to this country, on an average taken of the years 1802, 3, and 4, *included one year of great scarcity* *, during which the importation of provisions was unusually large; intending, it is presumed, to show, that the average of those years was considerably more than the ordinary imports from the United States to Great Britain, and its dependencies. It is however to be remarked, that this statement does *not* include the year of scarcity. The harvest in this country failed in 1800, and it was in 1801 that the large imports alluded to were made to Great Britain †. This average therefore does not include that year; but what is of more importance to be noticed, it includes *one of peace*, and a subsequent year, when the belligerents had not given the subjects of the United States an opportunity to avail themselves of their situation, in consequence of the recommencement of the war.

	£.
By the same authority from which this writer has taken his statement, namely, Mr. Galatin's Report, it appears that the exports for the year 1801, prior to the 1st of October, from the United States to Great Britain and her dependencies amounted to dollars 42,132,000, or	9,479,700
Which is nearly twice the amount of the exports on the average of the three years before mentioned, viz. 1802, 1803, 1804, or	£.5,200,000

Under these circumstances, it may not be improper to draw the attention of the public to a subject which appears to have entirely escaped the notice of this writer, namely, the amount of freight paid on the imports from the United States into Great Britain and her dependencies, and which

* Mr. Baring's Examination, p. 143. † Ante p. 66.

added to the amount of imports, the account between the two countries will then appear in a very different point of view.

	£.
The average imports from the United States into the dominions of Great Britain for the four years before stated, is -	6,269,925
The freight on which, whether to the British Colonies or to Great Britain, is paid to the American Ship Owners (145,650 tons of American shipping came to Great Britain *alone* in 1801), and upon an accurate calculation may be estimated at one-fourth value, or £25 *per cent.* of the first cost in America, is	1,567,481
Which makes the whole value of the annual import into the British dominions from the United States, on the average before stated,	£.7,837,406
The exports from Great Britain and her dependencies to the United States for the year 1801, amounted to - -	7,523,000
And the average of the exports to them for 1802, 1803, and 1804 was -	8,093,000
Or making an average export from Great Britain and her dependencies to the United States in four years of -	7,950,500
Whilst our imports amounted for the same period to - - - -	7,837,406
Leaving a balance in favour of Great Britain of only - - - - -	£. 113,094

therefore, upon a fair average of the four years 1801, 2, 3, and 4, *including* the year of scarcity, the balance of trade between Great Britain and the United States appears only to be £.113,094, in favour of this country, which, by this writer, is stated at £.2,893,000 !! and which is the only return or compensation for the loan of £.8,000,000 of capital, furnished annually by Great Britain to enable the United States to carry on their trade with all parts of the world, (which is not stated at a larger sum, although this author and those who appear to think with him, represent it at £.12,000,000)

or two-thirds the value of their entire trade, agreeable to their mode of computation.

There are other considerations which it is likewise necessary to take into the question of the value of the American trade to Great Britain. No allowance is made in this writer's calculations for bad debts, though all the exports from Great Britain to the United States are made on long credits. By the recent examinations in the House of Commons, an average of eighteen months is taken as a fair period to expect returns; it may therefore be estimated according to mercantile calculation, that on a gross sum of £. 8,000,000, not less than £.400,000 *per annum* is lost by bad debts. It is not believed any English merchant would insure these debts for 5 *per cent.*; and on the other hand, the imports from the United States are chiefly sold here for ready money. There is another and greater evil, in the extended credit given to the citizens of the United States, above all other countries with which the subjects of Great Britain have commercial dealings, as it enables them to hold out the cessation, if not, the actual confiscation of this capital upon any difference between the governments of the two nations; alarming the persons concerned in it; and furnishing them with arguments to assail the government of the country, whilst it strengthens the application of the American negotiators here. This evil has been frequently felt since 1786, and the late attempt to procure petitions among the manufacturers, and to raise a cry throughout the country in favour of American interests is another proof of it, whilst it affords a striking and memorable instance of the patriotism and good sense of the people at large, who are not so easily to be deluded and influenced as the advocates of America expected.

That the balance of trade is a subject of much abuse and false theory *, is manifest by the statement of the author of this work, in the average he has formed of the years 1802, 3, and 4; for it is maintained that Great Britain derives no more than a mutual advantage from her trade with America when the whole of that trade is fairly calculated and considered: the operation of the four years' average before stated clearly shows, that little or no balance remains in favour of Great Britain, and whenever the subsequent statements can be made up for the years 1805, 6, and 7, it is not too pre-

* Mr. Baring's Examination, p. 147.

suming to predict, that this position will be found to be strictly true. Indeed there is no reason to doubt the fact, that our imports *last year* from America have been equal to our exports; for the American ships which have discharged their cargoes in this country exceed in number those in the year 1801, their tonnage being 146,700 tons. Therefore unless it can be proved that this position is incorrect, and that the freight paid by Great Britain to the American ship-owners, is not precisely the same as paying for the produce of the country from whence it is brought, and which consequently encreases the value of that import, it is certainly fair to contend, in order to maintain this important fact, that our exports to America, by no proof as yet adduced, so far exceed our imports from that country, as to make it necessary to Great Britain, that the United States should have an extended commerce to Europe to enable her to pay the balance of trade that may be due to us.

It may be said, that adding 25 *l. per cent.* or one-fourth part of the value of the produce of America exported to Great Britain or to her dependencies for freight is a mere speculative opinion; it is however not difficult to prove the contrary; for the article of lumber, whether carried to our colonies or brought to this country, pays more than the first cost for freight: Naval stores, tar, turpentine, pitch, and rosin in the same proportion. Flour, rice, and tobacco, about one-third; therefore allowing very liberally for cotton and other articles, the average will be full one-fourth part, and indeed it is under rated at that sum. It is therefore not unreasonable to infer, this writer has never seen the official account of the tonnage, on which the duties were collected in the United States, or he would not have affected so much ignorance of the statement of the whole imports into America annually exceeding the whole of the exports £.1,550,000: without being able to account for it, otherwise, "*than in the mode of stating* * *the accounts;*" he surely forgot there was any freight of American shipping to be considered, which on examination forms a very large portion of the wealth of the United States.

The United States are entirely their own carriers to and from all parts of the world (with some very few exceptions) therefore in all their imports from foreign countries they have to pay their *own Ship-Owners*, the freight

* Mr. Baring's Examination, p. 140.

(B.)—*Opposite page* xcv.

Summary of the Exports from the United States for five years, from Mr. Blodget's Statistical Views; see also his Treatise entitled "Economica," published at Washington in 1806.

Produce	1803.	1804.	1805.	1806.	1807.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Of the Sea	2,635,000	3,420,000	2,884,000	3,116,000	2,804,000
Of the Forest	4,820,000	4,630,000	5,261,000	4,861,000	5,476,000
Of Agriculture	32,995,000	30,890,000	31,562,000	32,375,000	37,832,000
Of Manufactures	1,655,000	2,100,000	2,525,000	2,707,000	2,120,000
Miscellaneous	300,000	430,000	155,000	445,000	468,000
Total Exports of *domestic* Produce, &c.	42,405,000	41,470,000	42,387,000	43,504,000	48,700,000
Total Exports of *Foreign* Articles, &c.	13,585,073	36,231,597	53,179,021	60,283,236	59,643,558
TOTAL EXPORTS.	55,990,073	77,701,597	95,566,021	103,787,236	108,343,558

of the articles imported in addition to the cost: on the other hand, all their exports * of foreign or domestic produce are carried to every part of the globe in their own ships, and consequently the freight paid to the Americans, being added to the first cost or export price of the articles at the time of shipment by the countries to which they carry them respectively, it will not be difficult to prove their carrying trade *alone*, forms the balance of their trade, and which may be estimated at *four millions sterling per annum*, on the average of the four years taken in this calculation from Mr. Galatin's Official return, or upon 1,041,306 tons, which, in the following year, namely 1805, was increased to 1,443,453 tons. †

The intercourse between the United States and Europe for the last three years has become much more connected, owing to the almost entire cessation of the direct trade between the mother-countries in Europe and their respective colonies, and from this circumstance agents have been sent from all the commercial establishments in the principal sea-ports of Holland, France, and Spain, to the United States, who have extensive authorities granted to them to advance money on cargoes of colonial produce shipped to their respective establishments in Europe, on consignments for sale, on account of the American proprietors. There is another source from whence has arisen very large consignments of American and colonial produce, and of East India goods in American bottoms to Europe, namely, in the trade from the United States to Vera Cruz. In this trade there are employed a great number of American ships who take in return, for their cargoes to Vera Cruz, *specie* to a very great extent. It is not necessary for the purpose of these observations to attempt to show, whether the specie so exported from Vera Cruz to the United States is the property of individuals, or of the Spanish or French governments, it is sufficient to state there is every reason to believe that the same principally remains in the United States, and for which produce is chiefly shipped and consigned to Antwerp, and which, in a great measure, accounts for the very great capital now employed by the citizens of the United States in their trade to the East Indies and China.

* See opposite statement B, for a correct account of the exports of the United States for the last five years.

† Appendix to Sir F. M. Eden on Maritime Rights.

It has also been observed, that the neutrality of the United States, has been the means of circulating to a large amount articles of the produce and manufacture of this country in the dominions of the enemy, to which we have no direct access; but the evidence given on this point is very imperfect. It appears from this examination of the conduct of Great Britain, that British manufactured goods are annually re-exported to a considerable amount from the United States in American bottoms, and that their principal destination is to the colonies of the enemy in the West Indies and South America: but, though we have no direct access to the enemies' colonies, we have, by means of our free ports in the West Indies, and if this trade was not carried on by the subjects of the United States, it would be by the subjects of Great Britain, via these free ports, with this additional benefit and national advantage of being carried there in British bottoms. Another fact, which does not appear to have been noticed in this work is, that America *annually* imports from the countries of the enemy in Europe manufactures and other merchandize in value of about £. 7,300,000*, the greatest proportion of which are so imported for the use of the enemies colonies, and thus by their agency they not only circulate generally the enemy's manufactures, but circulate them *where* British manufactures would otherwise have gone. Of the £. 10,000,000†, said to be imported into the United States from this country, the greatest part is for re-exportation, and would have found its way to the same market, if they had not been sent through America. It is therefore obvious that these shipments do not benefit Great Britain in any national point of view, though they certainly enrich a few individuals and the subjects of the United States and them only; for the outward cargo is shipped in their own vessels to those colonies, from whence they carry to the United States the return cargo of produce with all the profits thereon: the agents of the foreign establishments in Europe then advance funds to the American owner, in order to have the consignment and sale in Europe, which enables him immediately to recommence a new voyage on the same principle. It surely cannot with any propriety or truth be said that Great Britain derives any advantage from this carrying trade of the United State, unless the sale of a few manufactures, which may be

* Mr. Baring's Examination, p. 139. † Ibid. 138.

taken in addition to the regular American consumption, be considered an adequate compensation for the alarming decline of British shipping and the diminution of our exports to our own colonies; whilst it is clear the trade carried on formerly by British subjects from the free ports in the West Indies has much decreased, with a proportionate depression on other important interests of the country.

This statement is not made with any personal or offensive view, but only to shew the public that the United States ought not to expect to carry on this sort of trade entirely to their own advantage, without making Great Britain a party, either by treaty, or by the adoption of such reciprocal regulations, as will conduce to that end. Had the rule of the war of 1756 been enforced, there would not have been such an enormous increase of American tonnage, and now a cry is raised in favour of that principle, because the late orders in council do not go far enough! Had France possessed the same naval superiority as Great Britain, there is no doubt but the American carrying trade would have been long before this time greatly reduced and brought within its true and legitimate limits. It is therefore melancholy to confess, that Great Britain has supplied the United States with the capital by which they have been thus enriched. Our navy has been to them a shield against the insults of France and Spain; yet endeavours are now made to induce this country to submit to such regulations as the persons holding the power of the government of the United States shall dictate, even as to the manner by which our naval power is to be supported and used.

This it is trusted will never be submitted to. The right of search is to Great Britain an invaluable security in time of war; it has been maintained by every able statesman, and invariably acted upon in the brightest periods of the history of Great Britain; and to take our seamen wherever we find them in the employment of neutrals, must be considered as essentially requisite to the maintenance of our naval power*. Concede these important points, and this country will not only find the American tonnage still continue to increase, but in a very short period British shipping more rapidly decline than hitherto and perhaps in a very few years totally annihilated.

* See Sir F. M. Eden on Maritime Rights.

It therefore behoves every man who values his country to exclaim against any measure that will produce such further relaxations of the former system. The evidence recently adduced in opposition to the late energetic measures of government, proves the truth of these observations, and a reference to the examination * of Mr. Rathbone of Liverpool on the orders in council bill will show how ruinous the new system has been to the British shipping interest. It is to Great Britain that America owes her present prosperity, and from no other country will she ever receive the same advantages, for, as it has been before stated, we furnish her with a capital and protect her with our navy.

The object of these remarks is to prove, that the balance of trade between Great Britain and the United States is very little in favour of the former, and that the trade of America with the continent of Europe is not advantageous to this country: indeed it may with propriety be said, and which experience proves, that since the United States began to extend their shipping and commerce, and especially during the last six years, they have paid this country worse for the manufactures and other articles we have exported there; and for the truth of this assertion an appeal may confidently be made to the persons concerned in this trade. It must be obvious to every person conversant in commerce, that America carries on half her trade with *British* capital, and which she does on speculative voyages, the time and returns whereof being uncertain, the creditors in Great Britain must remain unpaid for a very considerable period beyond the usual credit; and therefore all the advantages arising from that trade are with America *only*, in as much as the enormous increase of her shipping tends to swallow up the British capital, and enables them to derive those profits from it, which the regular return of that capital, in her legitimate trade as formerly carried on, gave to the exporters from Great Britain.

Previous to dismissing this part of the subject, it may be useful to notice the reproach which has been thrown, even by an advocate of America † on the British government, for some of the indulgences which have been so improvidently

* See printed Minutes of Evidence, p. 78.
† Medford's Oil without Vinegar, p. 53.

granted to the subjects of the United States, or to individuals connected with them. It is observed, why Great Britain should be supposed to wish to restrict the American West India trade appears more unaccountable, as there is no voyage, however contrary to that principle, that by paying the fees of the office in London for a licence, may not be obtained." Instances are then given of some of the voyages alluded to, which are followed with pointed remarks on the nature of this traffic; from which it is evident, Great Britain has most unconstitutionally accelerated and contributed to the means of enabling the French government to carry on the war with increased vigour and effect. It is insinuated by this writer †, that the Spanish government being unable to perform the stipulations of the treaty of St. Ildefonso, and to pay the money subsidy therein agreed to be advanced by Spain to France, that the former had authorised the latter to receive the same at Vera Cruz, from the Spanish treasury there, and that Monsieur Talleyrand had by his agents obtained permission to bring the same from Vera Cruz to Europe under the protection of the British flag. To prevent such fatal indulgences in future, it is presumed, it is only necessary to mention this most singular transaction; for although it is believed to be "sound policy in the British government to grant licences for *neutral* ships to take British manufactured goods out to the Spanish colonies, and to bring back specie and produce in return; but that licences should be granted to persons to bring specie home, who send no goods out; that specie too, part of the subsidy due from Spain to France, and that his Majesty's ships of war should be employed, thus to protect the property of the enemy, instead of being employed to capture it, appears to us inexplicable ‡."

To particularize the other observations contained in this examination of the conduct of Great Britain, which are equally to be disregarded with those before selected, would be an unpleasant and irksome task: the following remark is quoted merely to shew the author's further claim to impartiality and candour, having expressed it as his opinion, that, in such a crisis, to suppose in any writer, the bias of interest

* Medford's Oil without Vinegar, p. 54. † Ibid. p. 55.
‡ Antijacobin Review, vol. 26. p. 238.

in its confined meaning, in any other honest public sense, also suppose the branch of external commerce

L'on ne vant dans ce monde que ce que l'on vend bien.

It is also observed, "a few years must determine the fate of "this country, and it can hardly be supposed that merchants "naturally more interested in preserving them in security, "should be occupied with collecting a few pounds from "their trade, at the expence of their dearest interests. It "would be the folly of a man expecting to get rich by the "plunder of his own wreck." Improbable as this supposition may appear, how often does it happen, that when the vessel is in extreme distress, the influenced crew, instead of uniting in exertion for their general preservation, become insubordinate, and regardless of each other's safety, commit excesses, and whilst intoxicated meet their fate, and

Give themselves an undeniable proof.

Such, it is to be lamented, has often been the conduct of misguided individuals, who, rather than forego the gratification of their ambition or the furtherance of their own views, have impeded the measures of protection and defence adopted by the state, and suffered the transient feelings of the moment to outweigh more important considerations; regardless of the permanent interests of their country, and the love they ought to have felt for the general welfare. "Our wisdom must be such, as doth not propose "to itself our own particular, the partial and immoderate de- "sire whereof poisoneth whereseever it taketh place; but "the scope and mark, which we aim at, is the public "and common good."

In the passage, *particularly referred to*, it is stated, "a *candid* consideration of the history of this trade, can leave no doubt *on what side* the *encroachments* so much talked of *began*; instead of imputing the complaints of the *Americans* to *their* desire of availing themselves of our dangers for the *ungenerous* purpose of advancing extravagant pretensions, we should rather accuse ourselves of taking advantage of the unprotected state of *her* commerce to

* Mr. Baring's Introduction, p. 4. † Bank's Island Queens.
‡ Hooker. § Mr. Baring's Examination, p. 97.

harass it by a *systematic* course of the most *arbitrary inconsistency!!*"

Again, the respect which is shewn to *other* classes of the community, is not greater than that borne to the Shipping Interest, and the expressions applied to the exertions of the West-India merchants*, to relieve the depressed state of the planters, as well as to other great commercial bodies†, evince such an antipathy to every thing not immediately connected with *American* interest, that it must produce on the public mind the correct conclusion, that every sacrifice, consistent with national honor, has been made by Great Britain to America, and convince them more strongly of the baneful effect of "*the system of concession*," which has been so justly and universally reprobated by every true Englishman; whilst the greatest caution and delicacy is observed towards the United States, and not to wound the feelings of the great body of merchants in *America*, who, honest souls! so little "deserve the *unjust insinuations* in which writers on this subject have so *illiberally* indulged ‡."

The importance of this subject will, it is trusted, excuse the length of this digression, which may, with some propriety, be concluded in the words of this writer, that, "it is to be hoped no minister will be withheld, by political cowardice, from administering equitably and impartially, between the different commercial interests of the country; and that where the encouragement of *our shipping* requires restriction and monopolies, *which I by no means deny*, that their efficacy and utility will be thoroughly investigated§."

The other British settlements near to the King's colonies in North-America, are Cape Breton, Prince Edward's Island, and Newfoundland.

Cape Breton.

CAPE BRETON is separated from Nova-Scotia by a narrow strait, called the Gut of Canso, which is the communication between the Atlantic and the Gulf of St. Lawrence; it was ceded to Great Britain in 1763, and erected in 1784 into a separate government: there is a great proportion of arable land in this island, which abounds in timber and hard wood, such as pine, beech, birch, maple, spruce, and fir. The island may be considered as the key to Canada, and the

* Mr. Baring's Examination, p. 121.
† Ibid. p. 168.
‡ Ibid. p. 56.
§ Ibid. 171.

very valuable fisheries in its neighbourhood depend for their protection on the possession of it; as no nation can carry them on without some convenient harbour of strength to supply and protect them, and Louisburgh is the principal one for those purposes.

Great advantages are now derived from the coal mines in this island, which are situated near the entrance of the harbour, the works of which, and the fisheries constitute the chief employment of the inhabitants, but without trading at present directly to the British West India islands both Cape Breton and Prince Edward's Island serve to encrease the exports of Nova Scotia; they likewise supply Newfoundland with cattle, and with proper encouragement, would rival some of the more opulent colonies in articles of agriculture.

Prince Edward's island.

PRINCE EDWARD'S ISLAND is situated in the gulph of St. Lawrence near the northern coast of Nova Scotia, and was formerly called St. John's, but which was changed in 1799 in compliment to his Royal Highness the DUKE OF KENT. This island abounds with timber of various kinds, beech, birch, particularly the *black* birch, (*betula nigra.*) It is the largest of the deciduous trees, and is common throughout the island; it is much used in the northern States of America, for *ship-building;* it is nearly of the colour of light mahogany, and takes as good a polish.—A few cargoes of this kind of timber have recently been exported from the island to Liverpool and other ports in the North of England, and also to Scotland and Ireland where it is much approved; several attempts have lately been made to introduce it into the *London* market, but the timber merchants appear to be against it, and they have too much the command of the trade to render it practicable to introduce a new article without their concurrence, unless it is encouraged by bounties, or otherwise promoted by government.—This wood is admirably adapted *for stocking fire arms,* and is nearly, if not quite equal to walnut-tree, (which is used for that purpose) and can be supplied at one third the usual cost of that article*.

The other kinds of timber are, alder, maple of different species, namely, the white, red, and the rock or curled maple, (*acer saccharinum*). The latter is highly beautiful, is close grained, and susceptible of high polish; that which is called

* See An Account of Prince Edward's Island, by John Stewart, esq also Lord Selkirk on Emigration.

the *bird's eye* maple, is a variety of this tree, but its chief value at present arises from the great quantity of sugar annually manufactured from its sap; the greatest part of the inhabitants of the island, supplying themselves with all the sugar they consume in this manner, whilst many of them have frequently a great deal to dispose of.

Elm, red-oak, (which is to be found in considerable quantities), poplar, swamp-willow, two kinds of ash, several species of the pine, larch, fir and spruce, with several kinds of fruit and flowering shrubs abound in the island.

The fisheries of this island and of Cape Breton may be greatly extended; they consist of the same variety of fish as are found on the coasts of the King's provinces. Cod fish is perhaps no where in greater plenty than on the coast of Prince Edward's Island, the principal fishing ground in the gulph of St. Lawrence, being in sight of its shores, but unfortunately the subjects of the United States reap *at present* the greatest advantage of the cod-fishery there.—Besides the seals which constantly frequent the waters of this island, there is a larger kind brought on the coast annually by the floating ice; they are often taken in great numbers, are very productive, and the oil is usually carried to Halifax or Quebec, where it is sold from 25*l.* to 32*l.* per ton*.

Sea-cows about thirty years ago were found in great numbers on the northern coast of this island, but they have become scarce, particularly since the American war, "when so "many *American* fishermen poured into the gulph and attacked them in the summer, about the *Magdalen Islands*, "that in two or three years the species were nearly destroyed, "few having been seen for several years after; however the "kind still exists, and they are known to be increasing "fast, and if the killing them was under proper regulations "they might again become so numerous as to be an object of "great consequence, but this never can be the case, while "the *New England* fishermen are allowed to come into the "gulph and destroy them†."

The grants to individuals of the Magdalen and other islands, are considered to be particularly disadvantageous and injurious to the British fishermen.—It is, however, to be expected that in all future grants, reservations will be contain-

* Stewart's Account. † Ibid.

ed of liberty to His Majesty's subjects in general, to carry on a free fishery on all the coasts of these islands, and of erecting stages and other necessary buildings for that purpose, and that hereafter the *American* fishermen will not be allowed to enjoy the facilities and advantages, they have derived from being permitted to use, and erect stages and other buildings thereon.

The fisheries of this island, which had been gradually reviving since 1784, promised to become again considerable, and to afford the means of recommencing a trade from thence with the British West India Islands, by which its inhabitants were supplied with colonial produce on moderate terms*. Several cargoes of fish were likewise annually shipped for the European market, for which British manufactures, salt, and wine were taken in return; besides the cod-fishery, the herring was began and promised well, and the inhabitants of Prince Edward's Island had obtained a considerable share in the great salmon fisheries carried on in their neighbourhood on the continent; on the whole there was every appearance of extensive and valuable fisheries being established, when soon after the commencement of the late war, the navigation and colonial system was suspended, by which neutrals were admitted to participate in the trade to the British West India Islands.—Since then, these fisheries have been nearly given up from want of encouragement, and the articles of export from the island at *present*, consist of wheat, barley, oats, salt pork, butter, furs, seal-oil, and oysters, to Nova Scotia, with live cattle and some timber to Newfoundland, and occasionally a few cargoes of square timber to Great Britain. Flax and hemp thrive well in this island, and every farmer raises a small quantity yearly, which is applied to domestic uses†. A few individuals are engaged in building ships, which are generally sold in Newfoundland; this business will probably be carried on to a great extent, whenever the Newfoundland fisheries revive, as the great plenty of timber, in this island, and the reasonable rate at which the necessaries of life are obtained, will enable the inhabitants to build at a much cheaper rate than in Newfoundland.

Since 1792, the *importation* of all kinds of provisions into this island *has ceased*, whilst the *export* of them has gradually *increased*.

* Stewart's Account. † Ibid.

The Newfoundland fishery is of longer standing than those pursued by the inhabitants of the continent of America, and was so considered* before the conclusion of the war, which separated the United States from Great Britain. It is not confined to any particular exclusive company, but is an open general British cod-fishery, consisting of many lodges, or commodious harbours. It was discovered by the Cabots in 1507, and taken possession of for the crown of England, which they named *Terra de Buccaleos*, but did not settle any fishery there. This island abounds with timber proper for shipping and other purposes, but its chief value is the great fishery carried on upon those shoals, which are called the Banks of Newfoundland, which formerly supplied in a great measure Europe and the West Indies with dried cod-fish, but in consequence of the subjects of the United States being allowed the same privileges in fishing on these banks and in the gulph of St. Lawrence, as before they became a distinct and independant state, and from the injurious consequences resulting from the impress of the British seamen employed in it, and the suspension of the colonial system in favour of neutrals, a considerable depression has been produced on the British interest, and this fishery in common with the others in those seas have very much declined; they are, however, still capable of great extension, and claim at this time the peculiar attention and consideration of the legislature of Great Britain. Newfoundland.

On this subject endeavours are likewise made to mislead; it having been represented, that the interference of the subjects of the United States in the Newfoundland fishery is not injurious, but highly beneficial to Great Britain†. At this time, it may be admitted, there is no other mode of supplying the greatest part of the continent with fish than in the vessels of the United States; but it is a recent temporary inconvenience, resulting from the present state of Europe; for, under no other circumstances can their interference in the Newfoundland trade be warranted. That the complaints which were previously made were well founded, especially in respect to the intercourse with the British

* Dr. Douglas' Summary, 1 vol. p. 287,—also Reeves's History of the Government of Newfoundland.

† Mr. Baring's Examination, p. 173.

West Indies *, there being no occasion whatever to permit *fish* to be imported there in *American* bottoms, is evident, from the present Administration having, by an order of council of the 1st of July last, prohibited the importation of *fish* in *American* vessels into the West India islands.

The deviation from the navigation and colonial system is attempted to be justified by the circumstance of the *Americans* carrying, in this instance, *fish* caught by British subjects, to market; it is stated, "nothing can undoubtedly be more repugnant *to the old system of laws under which we have flourished*, but at the same time, nothing can more

* It appears that as yet no regular system of convoys from the British colonies in America to the West India islands has been established, though it has been acted upon by Admiral Berkeley, during the last season; the convoy sailing monthly, alternately to the Windward Islands and to Jamaica: in consequence of which, the most beneficial effects have resulted, and the supplies of fish have been greater, more regular, and at lower rates, than for many years past. This experience, it is hoped, will induce government permanently to establish this system in time of war, as it will facilitate and encourage the intercourse between the British dependencies; but assurances should be given to the colonists, that the same will not be relinquished.

The accounts presented to the House of Lords, February, 1808, shew the extent of the supplies now furnished from the *British* American colonies; and when it is considered, that a *very great proportion* of the supply of *fish and lumber*, stated to be furnished by the *United States*, is *actually* the produce of, and cured and prepared in the *British* continental colonies, and admitted to be so by the American party here, it surely ought to convince the most bigoted enthusiast of their cause, of the capability and extent of the resources of the King's provinces.

Exported to the British West Indies from the *British* American Colonies, in the following years:

	1804.		1805.		1806.	
	Barrels.	*Quintals.*	*Barrels.*	*Quintals.*	*Barrels.*	*Quintals.*
Dry Fish	147	91,609	501	99,532	12	113,937
	Barrels.		*Barrels.*		*Barrels.*	
Pickled Fish	23,035		23,625		36,741	
Oak and Pine Board and Timber	*Feet.* 814,727		*Feet.* 1,200,324		*Feet.* 811,315	
	No.		*No.*		*No.*	
Shingles	212,250		491,300		295,225	
Staves	1,012,575		235,169		327,336	

clearly shew how inapplicable *old* laws frequently are to *new times**." It, surely, ought not to be matter of triumph to a British subject, to observe the depression under which one of the most important branches of the trade of Great Britain now labours, principally from the impolicy of continuing the new system, which has encouraged and promoted to so alarming and enormous an extent the *carrying trade* of *America*, that the British traders are no longer able to compete with them, but are obliged to employ the vessels of the United States to take their fish and other articles † to market! Under such circumstances, is it patriotic ‡ so pointedly to denote the prosperity of America—the increase of her trade—and the extension‖ of her shipping, and to contrast them with the melancholy and depressed state of the British fisheries and Shipping Interest? It may, perhaps, be congenial to the principles and feelings *des avocats Américain* to contemplate and enjoy the distress and ruin of others, when they can indulge the sense of their own prosperity and security.

> "Suave, mari magno turbantibus æquora ventis,
> E terra magnum alterius spectare laborem."

It, however, cannot fail to irritate the public mind, to see the real interests of the country, thus, attempted to be sacrificed to the speculative theories of some, and to the disappointed or interested views of others, and the wise systems of our forefathers treated with contumely and disrespect; though the experience of centuries has shewn they "were more versed in the *practical philosophy* of life than the *speculative* one of the closet; reasoning from the self-preservation of an individual to the self-preservation of a people, they considered the *defence* of this island from *foreign* invasion as

* Mr. Baring's Examination, 174.

† See ante page 14, &c.

‡ Anti-jacobin Review for February, 1808, p. 204.

‖ For the increase of *American tonnage*, see Eden on Maritime Rights; the Supplement to Collection of Reports on Navigation; also the statistical tables published at Washington, in 1806, under the title of *Economica*.

	Tons.
In 1784, it consisted only of	250,000
In 1805,	1,443,453
Total Increase of American tonnage	1,193,453

the *first* law in the *national* policy; and judging that the *dominion* of the *land* * could *not be preserved* without possessing that of the sea, they made every effort to procure to the nation a *maritime* power of its own. They wished that the *merchants* should *own* as many ships, and employ as many *native* mariners as possible. To *induce*, and sometimes to *force* them to this application of *their capitals*, restrictions and prohibitions were devised. These affected not only foreigners, but natives; the *interests* of *commerce* were often *sacrificed* to this object. Trade was considered *principally* as the means of *promoting* the employment of *ships*, and was encouraged *chiefly* as it conduced to the *naval strength* of the *country* †." Such was the system adopted by our ancestors to give vigour and effect to the maritime power of the nation: the laws they enacted were wise and comprehensive; that is, in Lord *Verulam's* nervous expression, "deep, not vulgar; not made upon the spur of a particular occasion for the present, but out of providence of the future; to make the estate of the people still more and more happy, after the manner of the legislators in ancient and heroical times."

The war in which the country is engaged in support of its MARITIME RIGHTS—the additional number of ships and seamen, it is necessary to employ in various and distant stations, to protect his Majesty's dominions, and to preserve unsullied the lustre which adorns the naval annals of Great Britain—forcibly point out the vital importance of the *British carrying trade*, and particularly that of the West Indies and the Fisheries, as constituting two of the most prominent features of the nursery of British seamen. The Newfoundland

* See Bacon, Raleigh, Temple, Child, Lidiard, Law, Cary, Barchet, Anderson, Campbell, Postlethwaite, and all the other writers in support of this system—they wrote *for the country*, not from interest, pique, or party motive. See also Dr. Johnson's introduction to the political state of Great Britain, in 1756.—"At *present*, amongst *European* nations, a *naval* strength, which is the portion of Great Britain, is *more than ever* of the greatest importance to sovereignty, as well because most of the kingdoms of Europe are *not* continents, but, in a good measure, surrounded by the sea; as because the *treasures* of *both Indies* seem but an *accessory* to the *dominion* of the *sea*." BACON.

—"The *sea*, which is *our mother* (that embraces
Both the rich Indies in her out-stretched arms),
Yields every day a crop, if we dare reap it." MASSINGER.

† Reeves's History of Shipping, edit. 1807.

fishery forms of itself a subject fit for separate consideration. The complaints which continue to be made of the interference of the *American* fishermen, shew the necessity in future negociations with the United States of excluding them from any participation in it: indeed, if treaties are contemplated to be renewed with the maritime powers of Europe on the principles of former ones, it does not appear how their subjects can be excluded from the enjoyment of these fisheries, and the other privileges which are conceded and granted to the subjects of the United States, if the former are to be put on the footing of the most favoured nation*.

It is considered unnecessary to urge further the national importance of this subject. It is correctly observed by Dr. Douglas †, "that the cod fishery is not only a considerable addition to the trade and wealth of Great Britain, but by the many men employed in catching and curing of the cod-fish is a good nursery for our navy and other navigation; the plantation trade, the fishery of Newfoundland, the coal trade, and the watermen *on the river Thames*, being the great nurseries or seminaries of our navigation."

It is, therefore, "the policy of Great Britain to give her principal attention to MARITIME affairs; to carry on her OWN trade, in her OWN ships, directly to all parts of the world; and to encourage her fisheries in every sea: from these sources she may always hope to obtain A NAVAL FORCE adequate to guard her shores from hostile invasion, and to secure her domestic felicity, both public and private, firm and unshaken as the foundations of the island."

Le trident de Neptune est le sceptre du monde ‡.

These observations are offered to the public, with no other object, than from a sincere and disinterested wish to support the principles of that system, which enabled us, during a most arduous contest to triumph § over all the naval powers

* See the fifth article of the late treaty, in Appendix, No. 9.
† Summary, vol. i. 288.
‡ Lumiere.
§ The last war.
‖ "The numbers and native courage of our men, with the strength of our shipping, have for many ages past, made us *a match* for the *greatest* of our neighbours *at land*, and an *overmatch* for the *strongest at sea*." Sir William Temple's Miscellanea.

of Europe, and, by a statement of facts which are not perhaps generally known, to justify the Shipping Interest in their opposition to the American Intercourse Bill; to counteract the mis-representations which have been so industriously circulated on that subject; and to remove the prejudices which have been encouraged against the trade of the British colonies in North America.

The present state of the West India planters, the British North-American colonists, and the British ship-owners, unfortunately proves, how dangerous * it is to deviate from fixed and settled rules, which experience has shown to be wise and beneficial. It establishes the propriety of the observation of a great political writer, that "Ce n'est pas la fortune qui domine le monde: on peut le demander aux Romains, qui eurent une suite continuelle des prosperités quand ils se gouvernerent sur un certain plan, & une suite non interrompue de revers lors qu'ils se conduisirent sur un autre †," and it points out the necessity of *retracing* those measures which have produced so much distress on these great commercial bodies. *Permanent legislative* regulations are essentially necessary to give *energy* and *security* to trade, and to create confidence in the people. The benefits which flowed from a steady adherence to the navigation and colonial system are evident, from the progressive increase of the trade, shipping, and manufactures of Great Britain, *prior* to the adoption of the *suspending* system, which its advocates are still anxious to extend, notwithstanding the evils which have resulted from it: "for, *if every law of regulation*, either of our internal or external trade *were repealed*, with the exception of those necessary for the collection of revenue," it is certain we could not rear or retain our seamen ‡, the grand support of our present pre-eminence, or preserve the country from falling even below the level of surrounding nations: therefore its extension "would" *not*, as represented, "be an undoubted benefit to commerce, as well as to the community at large §."

But, ———, reject ‖
Such mean, such dang'rous counsels, which would blast

* Lord Bacon *on Innovations*.
† Grandeur, &c. des Romains, c. 18.
‡ Reeves on Shipping, Introduction.
§ Mr. Baring's Examination, 133.
‖ Glover.

Your long establish'd honours, and assist
The proud invader

Buonaparte; who, *it is asserted*, is realising * the dream of universal empire; his force *declared* to be irresistible, and contrasted with the *total destitution* of energy and genius, which is *represented* to be opposed to him; while the hand of † Providence is *said* to be manifested in the unusual concurrence of circumstances, which he has, with the most consummate art combined to rear and establish the military despotism under which the agonizing nations of Europe now groan. To what motive are such sentiments to be attributed? What tendency can they have, but to teach the people, that all resistance to his will is unavailing; "that all Kings shall fall down before him: all nations serve him;" and to render them dissatisfied and clamorous for peace, and so to humble Great Britain at the feet of France.

Alas! thy dazzled eye
Beholds this man in a false glaring light;
Which conquest and success have thrown upon him;
Did'st thou but view him right, thou'dst see him black
With murder, treason, sacrilege, and crimes,
That strike my soul with horror but to name 'em ‡.

Upon the whole it is conceived, that the review which has been taken, in the preceding pages, of the resources of the British colonies in North America and of the depressed state of the Shipping Interest will not be altogether without its use, in the consideration which the present crisis

* Introduction to Mr Baring's Examination.

† This allusion has frequently been made, and as variously applied by persons of opposite sentiments, which generally result from the difference of religious and political education. It is admirably expressed by an old English poet whose lines are peculiarly applicable to the present power, riches, and happiness, of Great Britain, as contrasted with the humiliated, pitiable, and degraded state of the European nations now under the controul of France. It was the leading argument, and constantly directed, for the two first ages of the church, against the Christians: after the Reformation, the church of Rome took it up, and pointed it with *equal* propriety, and, indeed, with *equal* success, against the Protestants!—See also Gibbon's Roman Empire, vol. II.

‡ Addison. Such is the character given by this admirable writer, of a Roman emperor: it applies with equal force to any other military despot, who disregards, like Buonaparte, the misery and desolation he creates. Gaudetque viam fecisse ruinâ.

demands, of what measures should be taken not only to preserve our maritime ascendancy in its present high and palmy state, but to consider whether any of the indispensable articles we have hitherto imported from foreign countries can be raised or procured within the British empire. That his majesty's government have collected much important information on this subject, there can be no doubt: the nation, however, anxiously expects to reap the benefit of that knowledge, by seeing it concentrated and digested in such a shape as may render it generally and practically useful: and for this purpose, it is presumed a committee of the house of commons, appointed to investigate into the state of the corn, timber, and a few other branches of trade, would be highly beneficial, and give great confidence to the country, by contriving the means that the encouragement which the present circumstances of the war certainly gives to the improvement of the United Kingdom and the British dependencies, should be rendered permanent. All that is wanted, in that respect is that there should be some legislative assurance, that protecting duties, in the event of peace, shall prevent any extension and increase of British industry being rendered nugatory.

From the preceding observations it is obvious, the British West India planters are equally interested in the revival of the ancient system, as the British American colonists, and the British ship-owners; they have evidently one common interest, which they should consolidate, and by their mutual exertions endeavour to obtain a strict enforcement of our maritime rights, and a resumption of the navigation and colonial system, by which only they may hope to gain an amelioration of their present distressed condition. Any other means will prove inadequate, and the favourite scheme of admitting American*, or other neutral shipping generally, or even partially, into the British colonial trade, although it may afford a temporary relief to the planters, will render them more dependent on *foreign* nations; whilst it will enure to the serious injury of other great national interests, and ultimately produce depression on the naval power of the mother country.

The editor, having for many years studied to acquire a

* Mr. Baring's Examination, 167—also Petition to Parliament 12th March, 1807, from the West India planters. Cobbett's Debates, 9th vol. p. 88.

correct knowledge of the shipping of the country, their value, and employment, observed with astonishment and regret, the inadequate return* on capital so employed, and the growing decrease of British shipping; which induced him to attempt, at different times, to recal the attention of the public to a subject so interesting and important: he trusts his endeavours have not been altogether unavailing; and that the danger, which would have ensued from *further* concession, will now be avoided by a resumption of the former system, and a firm adherence to the measures recently adopted by his Majesty's government; which are calculated to make a strong impression on the Continental powers, and to induce them to be sincerely disposed to accede to terms of peace, consistent with the honour, welfare, and safety of the kingdom.

He, likewise, can truly state, he has not been influenced in the sentiments he has expressed by any unworthy or improper motive; that he is not interested in shipping, or connected with the British colonists in America; his only view in offering these observations to the public, is to remove any unfavourable impression which the misrepresentations on these subjects may have produced; he can therefore with propriety adopt the words of an honest and sensible man†: "Most commonly, such as palliate evils, and represent the state of things in a sounder condition than truly they are, do thereby consult best for themselves, and better recommend their own business and pretensions in the world: but he, who to the utmost of his skill and power, speaks the truth, where the good of his king and country are concerned, will be most esteemed by persons of virtue and wisdom: and to the favour and protection of such, these papers are committed."

Austin-Friars,
29th April, 1808.

* See comparative statements of freights, outfits, &c. in collection of Reports on Trade, Edition 1807.

† Dr. Davenant on Trade.

APPENDIX.

"what goods might be imported under the revenue laws; but "this is a matter of general law, on which they are not the "persons best qualified to give information or advice. The "intention of the parties might be perfectly innocent; but "there is still the fact against them of that actual contraven- "tion of the law, which no innocence of intention can do "away. I may feel greatly for the individuals who, I have "reason to presume, acted ignorantly under advice that they "thought safe; but the court has no power to depart from "the law which has been laid down." The *British custom-house officers* in assenting to the line of the neutral or common waters on the Campo-Bello side, *exceeded their authority* as officers of the customs, by determining a matter of general law.

There is another principle of law, which I think applicable to the present case, recognised by Lord Mansfield, in the case of *Berens* v. *Rucker*. 1 *Black*. 313, in which he says; "The "first question is, whther this was a just capture. Both "sentences are out of the case, being done and undone by "consent. The capture was certainly unjust; the pretence "was, that part of this cargo was put on board off St. Eustatias "out of Barks supposed to come from the French Islands, and "not loaded immediately from the shore; this is now a settled "point by the lords of appeal to be the same thing, as if they "had been landed on the Dutch shore, and then put on "board afterwards." It is admitted that the sloop Falmouth took in her cargo off Snug Cove out of two British vessels lying in the stream. These vessels, it appears, came from the upper parts of the bay of Fundy, laden with plaister, arrived at Campo-Bello, and of course must be presumed to have entered at the custom-house at Snug Cove. As these vessels were lying on the Campo-Bello side, they must have been within the British waters; and agreeably to the law as settled by the laws of appeal, the taking on board her cargo out of the vessels lying in the stream, amounts to the same thing as if it had been taken on board from the shore, and is a direct violation of the Navigation Act.

I am therefore of opinion, that the sloop Falmouth was *laden* within the British waters in contravention of the Navigation Act, and the statute of 7 and 8: W. 3. c. 22, and therefore decree the vessel and cargo to be forfeited;—but considering the particular circumstances of the present case, I shall dismiss the claim without costs.

No. I. (B.)

The Definitive Treaty of PEACE and FRIENDSHIP between His *Britannick* Majesty, and the *United States* of *America*. Signed at *Paris*, the 3d of *September*, 1783.

In the Name of the Most Holy and Undivided Trinity.

IT having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince, *George* the Third, by the Grace of God, King of *Great Britain*, *France*, and *Ireland*, Defender of the Faith, Duke of *Brunswick* and *Luneburgh*, arch-treasurer and prince elector of the holy *Roman* empire, &c. and of the *United States* of *America*, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles signed at *Paris*, on the 30th of *November*, 1782, by the commissioners empowered on each part; which articles were agreed to be inserted in, and to constitute, the treaty of peace, proposed to be concluded between the crown of *Great Britain* and the said *United States*, but which treaty was not to be concluded until terms of peace should be agreed upon between *Great Britain* and *France*, and his *Britannick* majesty should be ready to conclude such treaty accordingly; and the treaty between *Great Britain* and *France* having since been concluded, his *Britannick* majesty and the *United States* of *America*, in order to carry into full effect the provisional articles above-mentioned, according to the tenor thereof, have constituted and appointed, that is to say, his *Britannick* majesty, on his part, *David Hartley*, esq. member of the parliament of *Great Britain*; and the said *United States*, on their part, *John Adams*, esq. late a commissioner of the *United States* of *America* at the court of *Versailles*, late delegate in congress from the state of *Massachusetts*, and chief justice of the said State, and minister plenipotentiary of the said *United States* to their high mightinesses the states general of the *United Netherlands*; *Benjamin Franklin*, esq. late delegate in congress from the state of *Pennsylvania*, president of the convention of the said state, and minister plenipotentiary from the *United States* of *America* at the court of *Versailles*; *John Jay*, esq. late president of congress, and chief justice of the state of *New York*, and minister plenipotentiary from the said *United States* at the court of *Madrid*; to be the plenipotentiaries for the concluding and signing the present definitive treaty: Who, after having recipro-

(B.)—*Opposite page* xcv.

Summary of the Exports from the United States for five years, from Mr. Blodget's Statistical Views; see also his Treatise entitled "Economica," published at Washington in 1806.

Produce	1803.	1804.	1805.	1806.	1807.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Of the Sea	2,635,000	3,420,000	2,884,000	3,116,000	2,804,000
Of the Forest	4,820,000	4,630,000	5,261,000	4,861,000	5,476,000
Of Agriculture	32,995,000	30,890,000	31,562,000	32,375,000	37,832,000
Of Manufactures	1,658,000	2,100,000	2,525,000	2,707,000	2,120,000
Miscellaneous	300,000	430,000	155,000	445,000	468,000
Total Exports of *domestic* Produce, &c.	42,405,000	41,470,000	42,387,000	43,504,000	48,700,000
Total Exports of *Foreign* Articles, &c.	13,585,073	36,231,597	53,179,021	60,283,236	59,643,558
TOTAL EXPORTS.	55,990,073	77,701,597	95,566,021	103,787,236	108,343,558

APPENDIX,

No. I. (A.)

REPORT

OF THE

CASE of the Sloop FALMOUTH, decided in the Vice-Admiralty Court of New-Brunswick, involving the Claim of the United States to the Islands in Passamaquoddy Bay, &c. &c.

NEW-BRUNSWICK.
Court of VICE-ADMIRALTY. } *October*, 1805.

The ADVOCATE-GENERAL*, upon the relation of GEORGE LEONARD, Esq. *Qui tam*, &c. Libellant of the Sloop FALMOUTH and Cargo, *against* EBENEZER LOCK, Claimant thereof, } Opening Argument on the part of the PROSECUTOR.

THE Libel in this cause states that Mr. Leonard, Superintendant of Trade and Fisheries in North America, and a preventive Officer in the service of His Majesty's Customs in New-Brunswick, on the 24th October, 1805, did seize and take at *Snug Cove*, in the island of Campo-Bello, in the County of Charlotte, in the Province of New-Brunswick, the Sloop Falmouth, of the burden of ninety-three Tons, under the command of Ebenezer Lock, with her cargo then on board, consisting of Plaister of Paris, and alledges as a cause of forfeiture, that the said Plaister of Paris after the 25th March, 1698, to wit, on the 22d October, 1805, was laden and put on board the said Sloop in Snug Cove aforesaid, the said Sloop being a foreign-built vessel, and not owned by any of His Majesty's subjects, nor navigated with a Master and Mariners, or any or either of them, a subject or subjects of His Majesty, but wholly owned and navigated by foreigners Libel.

* Ward Chipman, Esq.

and aliens, contrary to the provisions of the Statutes in that case made and provided.

7 & 8 W. 3. c. 22. § 2. By the Stat. of William 3d, commonly called the Register Act, it is enacted, that "after the 25th March, 1698, no "goods or merchandises whatsoever shall be imported into "or exported out of ~~any Colony or~~ Plantation to His Ma- "jesty in Asia, Africa, or America belonging, or in his pos- "session, or which ~~may hereafter~~ belong unto or be in posses- "sion of His Majesty, his heirs or successors, or *shall be laden* "*in* or carried from any one port or place in the said Colonies "or Plantations, to any other port or place in the same, the "Kingdom of England, Dominion of Wales, or Town of "Berwick upon Tweed, in any ship or bottom, but what is "or shall be of the built of England, or of the built of Ire- "land, or of the said Colonies and Plantations, and wholly "owned by the people ~~thereof, or any~~ of them, and navi- "gated by the masters and three-fourths of the Mariners of "the said places only, under pain of forfeiture of ship and "goods."

This act was made in confirmation and in furtherance and explanation of the provisions of the *Navigation Act*, eminently so called, the Statute 12 Car. 2. c. 18, the great palladium of the maritime strength and resources of the Empire of Great Britain, as may be seen by a reference to the 1st and 11th Sections of the Statute last mentioned, and to the 13th and 14th Car. 2. c. 11. § 6.

Claim. A Claim is interposed by Ebenezer Lock, of Falmouth, in the state of Massachusetts, late Master of the said Sloop Falmouth, in behalf of himself and others, interested in the Sloop and her Cargo.

The Claimant protesting that Mr. Leonard, the relator, had no right as Superintendant of Trade and Fisheries to make any seizure for a breach of the laws of trade, and protesting that he never did in fact seize the Sloop and her cargo, but that the Sloop and her cargo were seized and taken possession of on the day stated in the Libel, at Passamaquoddy, within the limits and jurisdiction of the United States of America, *or in waters held neutral between Great-Britain and the United States*, by one Charles Edward Leonard, the Master of the Schooner commonly called the Cutter, by force and without legal authority, and by him brought to the harbour of St. John; for answer saith,

1. That on or about the 21st October, he entered the said Sloop at the Custom-House at Passamaquoddy, in the

said United States, under the direction of Lewis Frederick Delesdernier, esq. and afterwards obtained from the said Custom-House a clearance, (commonly called a *foreign clearance*) for the said sloop in Ballast and Stores; for the purpose of enabling him to go with the said Sloop and anchor in the stream between the Islands of Campo-Bello and Dudley-Island, *and off Snug Cove*, in the said Island of Campo-Bello, there in the said stream to lay and to take in a load of Plaister of Paris from on board other vessels there in the said stream also lying, and to carry upon freight, on account of Messrs. Andrews and Campbell, to some part of the said United States.

2. That he accordingly sailed with the said Sloop and anchored her in the stream between the said two Islands, so as to see the house of the said Lewis Frederick Delesdernier, upon the American shore, from the said Sloop when anchored and *without the Points or Head-lands forming Snug Cove aforesaid*, which place he continued to lay at without moving the anchor of the said Sloop, until he had taken on board the said Sloop 120 tons of Plaister from two other vessels, which he believes were British vessels, and until the said Sloop was seized and taken possession of by the said Charles Edward Leonard.

3. That the place where the said Sloop was anchored and where she remained and was seized and taken, is the place where vessels of the United States *usually* and *frequently* anchor and receive cargoes of Plaister, as he the Respondent did in the said Sloop.

4. That it is the place heretofore pointed out and assented to by the Officers of His Majesty's Customs of the Port of St. John, as the proper place for the vessels of the United States to anchor and take in their cargoes of Plaister of Paris.

5. That the waters where the said Sloop anchored and was seized are, as he is informed and believes, either *wholly within the limits* and boundaries and *belong* to the United States of America, or otherwise are *the waters of the River forming the boundary* between His Majesty's dominions and the said United States, and as such neutral and in common for the vessels of both nations.

6. That *inasmuch* as the *principal channel* from the Bay of Fundy into the river St. Croix or Scoodiac, commonly so called, is to the Eastward of the said Island of Campo-Bello, and between Deer-Island and Moose-Island, (lying to the

Northward thereof) and *forasmuch* as the Eastern boundary of the said United States is "a line to be drawn along the "middle of the river St. Croix, from *its mouth in the Bay of "Fundy* to its source, &c. and that all Islands within twenty "leagues of any part of the shores of the said United States, "and lying between parallel due East lines to be drawn from "the mouth of the said river St. Croix and the mouth of "St. Mary's river, are comprehended within the limits and "boundaries of the said United States, (except such Islands "as at the time of or before the * Treaty of Peace of 1783, "were within the limits of the Province of Nova-Scotia) he "believes that the waters on which the said Sloop was an-"chored and seized and taken as aforesaid, *are wholly within* "and belong to the United States,"—but if otherwise—

7. He avers that the anchoring, lying and *loading with Plaister of Paris from on board British vessels in the stream*, and at the same place where the said Sloop was seized and taken as aforesaid, has been for a long time sanctioned by the concurrent assent of the Officers of His Majesty's Customs at this Port of St. John, and at the Port of Passamaquoddy, as a practice not prohibited *by any of the existing laws* of either of the two Countries.

8. He therefore prays that the said Sloop and Cargo may be adjudged to be restored to him with costs and charges.

Replication. To this answer and Claim a general Replication is filed on the part of the Libellant, and

Rejoinder. A Rejoinder on the part of the Claimant, which puts the cause at issue.

Several witnesses have been examined on both sides, which perhaps was unnecessary, as it is conceived that it would have been perfectly safe on the part of the Prosecutor, to have proceeded to a hearing of the cause upon the Libel and answer, without controverting the facts stated by the Claimant in his defence, as the law arising upon those facts, it is humbly submitted, will not only justify the seizure, but must work a forfeiture and condemnation of the Sloop and her cargo.

With the leave of the Court then, the merits of the cause shall be discussed upon the facts disclosed in the Claim, before the testimony of the witnesses is taken into consideration.

I will take up the grounds of the Claim in the order in which they naturally present themselves.

* Appendix, No. 1.

1. The Claimant insists that by the Treaty of Peace Between His Majesty and the United States of America, concluded in 1783, the waters on which the Sloop was anchored and seized and taken, as stated in the Claim, are *wholly within and belong to* the United States, for the following reasons— Defence.

1. Because the Eastern boundary of the United States is a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, &c.

2. Because the principal channel from the Bay of Fundy into the river St. Croix is to the Eastward of the said Island of Campo-Bello, and between Deer-Island and Moose-Island, lying to the Northward thereof.

3. Because all Islands within 20 leagues of any part of the shores of the United States, and lying between parallel due East lines to be drawn from the mouth of the river St. Croix and the mouth of St. Mary's river, are comprehended within the limits and boundaries of the said United States, except such Islands as at the time of or before the Peace of 1783 were within the limits of the Province of Nova-Scotia.

II. The second ground of defence is, that if the waters in question are not *wholly within* and do not *wholly belong* to the United States, they are *the waters of the River forming the boundary between His Majesty's dominions and the said United States*, and as such *neutral* and *in common* for the vessels of both nations.

III. That the anchoring, lying, and *loading with Plaister of Paris from on board British vessels* at the place where the Sloop was seized, has been for a long time sanctioned by the concurrent assent of the Officers of His Majesty's Customs at this Port of St. John, and at the Port of Passamaquoddy, as a practice not prohibited by any of the existing laws of either of the two Countries.

IV. That the Claimant obtained a foreign clearance from the American Custom-House, *to enable him to go with his Sloop*, and anchor *off Snug Cove, without the Points or Headlands forming the Cove*, there to take in a cargo of Plaister of Paris *from British vessels.*

In answer to the first ground of this defence, I shall en- Reply.
deavour to show to the Court,

1. That all the Islands in Passamaquoddy Bay, including Moose-Island, Dudley-Island, and Frederick-Island, do, of right, by the Treaty of Peace of 1783, belong to His Majesty.

2. That all the waters surrounding those Islands belong also to Great Britain.

3. That consequently a right of water-way, passage, or navigation only, can be claimed by the United States, from the main channel of the Bay of Fundy, to that moiety of the St. Croix, the boundary river, which is nearest to the American territory.

I shall then consider the three remaining grounds of the defence set up in the Claim.

1. I shall first endeavour to shew that all the Islands in Passamaquoddy Bay, including Moose-Island and Dudley-Island, do, of right, by the Treaty of 1783, belong to His Majesty.

To this end it will be proper to refer to that part of the 2d article of the Treaty which respects the point in question, after describing the termination of the interior boundary of the United States *to be the Middle of St. Mary's river*, where it touches the Atlantic Ocean—the words are these—"East "by a line to be drawn along the middle of the river St. "Croix, *from its mouth in the Bay of Fundy to its source*, &c. "—comprehending all the Islands within twenty leagues of "any part of the shores of the United States, and lying be-"tween lines to be drawn due East from the points where "the aforesaid boundaries between Nova-Scotia on the one "part, and East Florida on the other part, shall respectively "touch the Bay of Fundy and the Atlantic Ocean, excepting "such Islands as now are or heretofore have been within "the limits of the said Province of Nova-Scotia."

No doubts have ever arisen what Islands were reserved to His Majesty by the 2d article of the Treaty of Peace; it was obviously and clearly intended by this article—that no part of the Province of Nova-Scotia should be thereby ceded by His Majesty to the United States, and in conformity to this evident intention, all the Islands that then were or theretofore had been within the limits of that Province, are expressly reserved to His Majesty.

Some doubts however had arisen, what river was truly intended under the name of the river St. Croix mentioned in the Treaty and forming a part of the western boundary of the province of Nova-Scotia; and this question was referred under the fifth article of the Treaty* of Amity, Commerce and Navigation, between His Majesty and the United States, to the final decision of Commissioners, who were by a declaration under their hands and seals, to decide what River was the river St. Croix, intended by the Treaty of Peace, and in their declara-

* Appendix, No. 2.

tion to give a description of the River, and particularize the latitude and longitude of its mouth and of its source, and both Parties to the Treaty agreed to consider such decision as final and conclusive, so as that the same should never thereafter be called into question, or made the subject of dispute or difference between them.

To determine then what Islands at the time of the Treaty were or theretofore had been within the Province of Nova-Scotia, we must in the first place refer to the original Grant of that Province to Sir WILLIAM ALEXANDER, in the year 1621. It is well known that the decision of the Commissioners under the 5th article of the Treaty of Amity, Commerce and Navigation above mentioned, with regard to the identity of the river St. Croix, was dictated and governed by the boundaries of the Province of Nova-Scotia as originally described in Sir WILLIAM ALEXANDER's Patent, and that the river St. Croix, mentioned in that Grant as part of the Western boundaries of that Province, was the River decided to be the river St. Croix truly intended by the Treaty of Peace; by recurring to that Grant we find the Islands originally forming a part of the Province of Nova-Scotia, as far as respects the present question, to be thus described :— "*includens et comprehendens intra prædictas maris oras littorales* "*ac earum circumferentias a mari ad mare omnes terras conti-* "*nentes cum fluminibus torrentibus sinibus, littoribus,* INSULIS *aut* "*maribus jacentibus prope aut* infra sex leucas *ad aliquam ear-* "*umdem partem ex occidentali, boreali aut orientali partibus ora-* "*rum littoralium et præcinctuum earumdem.*" And in conformity to this original Grant of the Province of Nova-Scotia, we find at the time of the Treaty of Peace, the same river St. Croix to be a part of its Western boundary, and the Islands forming a part of it at that time also (as described in the Commissions to the Governors of that Province) to be *all Islands within six leagues* of any part of the Coast.

It is well known that Moose-Island and Dudley-Island, the latter under the name of St. Croix Island, were granted to FRANCIS BERNARD, and others, by letters patent, under the Great Seal of the Province of Nova-Scotia, bearing date the 30th October, 1765—that they remained under the actual jurisdiction of the Province of Nova-Scotia, until the Treaty of Peace, and afterwards under the actual jurisdiction of this Province, for some time after its erection.

The State of Massachusetts has, from the time of the Treaty in 1783, *been constantly endeavouring to encroach*

upon his Majesty's Territory in that quarter; in the year 1784 Governor HANCOCK, of that State, remonstrated to Governor PARR, of the Province of Nova-Scotia, against the settlements made at St. Andrews, claiming all the lands lying westward of the river Magaguadavic, as being a part of the State of Massachusett. This claim was referred to the then Secretary of State, Lord SYDNEY, who in his answer to Governor PARR, dated 8th March, 1785, among other things says—"His Majesty feels himself called upon *to refuse* a compli-"ance with the requisition which has been made for *the re-*"*moval* of His Subjects now in possession of Lands on the "Western side of the river Magaguadavic, called the Little "St. Croix, and between that River and the Great St. Croix "or Scoodiac, which latter must be considered as the line "of separation, and His Majesty *is determined to protect* "His faithful and loyal Subjects, in the peaceable possession "of those Lands."

This decision on the part of His Majesty's Government, and the consequent possession maintained by His Subjects, put a stop to all further complaint with regard to these settlements; and there can be no doubt, if the same conduct had been pursued with regard to the Islands, that Moose-Island, Dudley-Island, and Frederick-Island, would with the other Islands in Passamaquoddy-Bay, have at this day been in the quiet and peaceable possession of His Majesty's Subjects, and the present cause would never have had an existence.

In the month of November, 1784, New-Brunswick was erected into a separate Province.

In the year 1785, this Province was divided into Counties, and the County of Charlotte was bounded and described as follows, viz. "bounded on the South by the Bay "of Fundy; on the West by the river Scoodiac or Saint "Croix, and *the Western shore of the Bay of Passamaquoddy*, "including the Island of Grand Manan; on the East by a "due North line from Point Le Proe, in said Bay of "Fundy, running into the Country; and on the North by "a due West line, commencing in the said North line thirty "miles distant from Point Le Proe aforesaid."

Courts of Sessions and Inferior Courts of Common Pleas were thereupon in the same year established in this County, and the Sheriff of the County regularly summoned the Inhabitants of Moose-Island, to serve as Jurymen in those Courts, who attended accordingly.

In this year 1785, Mr. BOWDOIN was elected Governor of the State of Massachusetts—on the 9th of Sept. in that year, he wrote a letter to Governor CARLETON, in which he complained of the Government of New-Brunswick, for "asserting a claim to Moose-Island, Dudley and Frederick-"Islands, in advertising and directing the inhabitants of "Moose-Island to attend the Courts of St. Andrews, as "Jurymen, which he considered as an encroachment upon "the territorial rights and sovereignty of the Commonwealth "of Massachusetts and of the United States."

To this letter Governor CARLETON returned an answer dated the 18th of October, 1785, in which he says,—"Although the Sheriff has acted without any special advice or "direction from either of the judicial officers of Govern-"ment, yet I cannot but think that in considering Moose-"Island, together with Dudley and Frederick-Islands, as "within the County of Charlotte, he is clearly warranted, "not only by the limits of his bailiwick, but by the express "terms of the Treaty, which reserve to Great-Britain all "such Islands as now are or heretofore have been within "the limits of the Province of Nova-Scotia."

The Sheriff continued to summon Jurymen from these Islands, and no further public complaint was made.

In January 1786, the first General Assembly in the Province of New-Brunswick was called. At this Session an Act of Assembly was passed, dividing the several Counties into Towns or Parishes, and the Parish of West-Isles, in the County of Charlotte, is in that Act described as follows:—"The seventh Town or Parish to be called, known and "distinguished by the name of West-Isles, to contain Deer-"Island, Campo-Bello Island, Grand Manan Island, Moose-"Island, Frederick-Island, and Dudley-Island; with all the "lesser Islands contiguous to them, not included in the "Towns beforementioned."

After the passing of this Act, not only Jurymen continued to be summoned from Moose-Island, which was the only one of the three Islands in question which was inhabited, but Parish officers were several years appointed from this Island indiscriminately with the other Islands forming the Parish of West-Isles.

In the year 1791, Mr. Cooper, Sheriff of the County of Washington, the next adjoining County in the State of Massachusetts, came to Moose-Island armed, with two

men also armed, in order to collect from the Inhabitants a Poll Tax assessed by the Court at Machias, in the said County of Washington. The Inhabitants resisted the payment of the Tax, alleging that they were summoned to discharge the duties of British subjects on one side, and claimed at the same time as American subjects on the other, and refusing to pay any Tax till it should be settled to which Country they belonged. Mr. Cooper upon this began to temporize, and persuade them that if they would pay the Tax they would be acknowledged as American subjects, and that the General Court of Massachusetts would in that case be justified in granting them their Lands: And he further pledged himself to them, that if they would pay the Tax so that he could make a regular return thereof to the Court, he would not again enter upon the Island as Sheriff, until he had procured for them a grant of their Lands from the General Court of Massachusetts. The Inhabitants, not having at that time any grants of their Lands under the British Government, yielded to these terms, and some of them paid the Tax, some refused, and some left the Island.—These were facts of public notoriety at the time, and of which abundant testimony may be at any time produced.

Grants of Land were made to those who submitted and took the Oath of Allegiance to the States, and the authority of the British Government was never afterwards actually enforced upon either of the Islands in question: Another circumstance tended to confirm the Americans in the possession of these Islands, which was, that some seizures made by Mr. Leonard, the Prosecutor in this cause, of American vessels found trading at Dudley-Island, *contrary to the provisions of the same Statute*, upon which the present prosecution is founded, *were released* to the Claimants, *by the recommendation of the Officers of the Government of New-Brunswick*, though much against Mr. Leonard's wishes and inclination. This took place in the summer of 1786. The release of these seizures was recommended, *not from any doubt of his Majesty's right to the Islands*, but because the Americans were in the actual possession of some of them, and it was not thought prudent at that time to adopt any forcible measures to dispossess them, of which nature these seizures were at that time considered to be.

Thus has the possession of those Islands *been wrested from His Majesty*; and from that time the *Claims* and *encroachments* of the *American subjects* upon His Majesty's territory

and rights in that quarter have been *constantly extending and increasing*. Had the same measures been pursued with regard to the Islands, which took place respecting the Claim to the territory between the St. Croix and Magaguadavic, in the years 1784 and 1785, little doubt can be entertained, that the *very valuable trade and fisheries* now carried on by the *Americans* in that quarter, to the great injury of the *commercial* and *maritime* interests of *Great Britain*, would have been in a great measure, if not totally prevented.

In the year 1785, there were only 17 heads of families upon Moose-Island, whereas at this day they probably exceed 200, and they are daily and rapidly increasing. This Island contains about 2700 acres of Land.

From the indulgence they experienced and the silence with which their encroachments were submitted to, the *Americans* at length, *in defiance of the Navigation Act*, and of all the other important and salutary provisions of the laws of trade in this respect made, came even to the shores of Campo-Bello Island, and took in their cargoes of Plaister of Paris from the wharfs there. Mr. Leonard again interfered: and by the seizure two years ago of two American vessels employed in this illicit traffic, and their subsequent condemnation in this Court, a stop was put to a practice so highly unjustifiable.

But no sooner is this spirit of encroachment suppressed in one form, than it starts up with new appearances and still more alarming pretensions; of this, stronger evidence cannot be adduced than is exhibited in the Claim now under the consideration of the Court.

The Claimant for the reasons set forth in his Claim, declares upon his oath that he *believes*, that "the waters on "which the Sloop was anchored and seized are *wholly within* "and *belong to the United States*."

Now the waters here spoken of are the waters between Dudley-Island on one side, and the Island of Campo-Bello on the other, and these waters can by no possibility *belong to*, or be *wholly within* the United States, unless the Island of Campo-Bello either *belongs to*, or *lies wholly within* the same States; and we accordingly find that one of the reasons or grounds of the Claimant's *belief* respecting these waters is— "That the *principal channel* from the Bay of Fundy into the "river St. Croix or Scoodiac is to the *Eastward* of the said "Island of Campo-Bello, and between Deer-Island and "Moose-Island, lying to the Northward thereof."

Thus the Americans are not contented with having wrested from Great-Britain, and with now holding in full sovereignty Moose-Island, Dudley-Island, and Frederick-Island, to which *they have not*, as will presently be more fully shewn, one *spark of right;* they are not contented with a right of water-way or navigation through the common and nearest channel to their moiety of the St. Croix river, from the main channel or that part of the Bay of Fundy which lies on the outside of the Islands; which common channel, notwithstanding all the bars in it, is sufficient for the passage of the largest ships that trade within the Bay of Fundy, and is the channel usually if not in all instances made use of by American vessels passing to and from the river St. Croix; but, because there is a deeper channel by the East end of Campo-Bello Island, they now affect to claim this channel as the water boundary line between His Majesty's territory and that of the United States;—a prelude, without doubt, to an ultimate claim to the Island of Campo-Bello itself, in full property and sovereignty: Be that however as it may, they now claim the whole of the waters above mentioned as a safe and secure asylum from a violation there, of the Navigation Laws of Great-Britain, *the due observance of which is so highly important to her maritime strength and interests:* That this is the object of the pretensions set up in this Claim is manifest from that part of it in which the foreign clearance of the Sloop (which I shall hereafter notice) is mentioned; the Claimant declaring that this clearance was obtained to enable him to go and "anchor his Sloop off Snug Cove, there to lie and take on "board a cargo of Plaister of Paris from British vessels lying "there also;" taking care only to lie "*without* the Points "or Head-lands forming Snug Cove." Now by a bare inspection of the Map, it will be seen that a line drawn across Snug Cove from one of these Points or Head-lands to the other, will leave nearly *the whole of the stream or waters* between Campo-Bello Island and Dudley-Island, *on the outside of* such line; and (if this Claim should be established) will render them a secure place of rendezvous for carrying on every species of illicit commerce between the two Countries.

The other reason which the Claimant assigns for his belief respecting these waters is, "That the Eastern boundary "of the United States is *a line to be drawn along the middle of* "*the river Saint Croix, from its mouth in the Bay of Fundy, to* "*its source, &c. and that all Islands within 20 leagues of any* "*part of the shores of the United States, and lying between parallel*

" *due East lines to be drawn from the mouth of the said river* " *Saint Croix, and the mouth of Saint Mary's river, are compre-* " *hended within the limits and boundaries of the said United* " *States (except such Islands as at the time of or before the Treaty* " *of Peace of* 1783, *were within the limits of the Province of* " *Nova-Scotia.)*"

This reason, given by the Claimant for his belief that the waters between Campo-Bello Island and Dudley-Island, where the Sloop was anchored and seized, " *are wholly within and belonging to the United States,*" must be predicated upon the supposition not only that Moose-Island, Dudley-Island, and Frederick-Island, but Campo-Bello Island also, are wholly within or belonging to the United States.

This brings me to a more particular inquiry, whether any and which of the abovementioned Islands do, by the Treaty of 1783, belong to the United States.

It has been already observed, that upon the slightest perusal of the second article of the Treaty of Peace, it is obvious, " that it was clearly intended by it, that no part of the Pro-" vince of Nova-Scotia should be thereby ceded by His " Majesty to the United States." The United States are expressly bounded *East* by the *western* boundaries of the Province of *Nova-Scotia*, which excludes them from any part of *the Continent* which was within that Province; and in still stronger terms they are excluded from *all the Islands* within the same Province, by the exception of such Islands as at the " time of the Treaty of Peace, or *at any time theretofore had* " *been within the limits of the Province of Nova-Scotia.*"

It has been also shewn that the Islands in question, and all the Islands in Passamaquoddy-Bay, being within six leagues of the main Land forming the Province of Nova-Scotia, both at its original creation in 1621, and at the time of the Treaty of Peace in 1783, were reserved by this Treaty to His Majesty.

I shall now examine more particularly the expressions made use of in the Treaty in this regard. This cannot be done more forcibly than by adopting the reasoning made use of by his Grace the Duke of PORTLAND on this subject, in his letter to Lt. Governor CARLETON, being a circular one to the Governors of Nova-Scotia and New Brunswick, dated 11th April, 1799. His Grace in this letter says, " It is par-" ticularly worthy of observation, that in the above-men-" tioned article of the American treaty of 1783, the excep-" tion in favour of *such Islands as now are or heretofore have*

" *been within the limits of the Province of Nova-Scotia*, is subse-
" quent to that part of the same article which assigns to
" America its precise boundaries, *comprehending all Islands*
" *within* 20 *leagues of any part of the shores of the United States*,
" *&c. &c.* consequently the above exception is valid even
" against the right of America, *to all Islands within* 20 *leagues*
" *of any part of the shores of the United States*, if any of the
" Islands so situated are *such Islands as now are or heretofore*
" *have been within the limits of the Province of Nova-Scotia*.—In-
" deed it is upon the face of it a general exception in favour
" of *such Islands as now are or heretofore have been within the*
" *limits of the Province of Nova-Scotia*, which nothing in the
" preceding part of the article can by any possibility affect."
This letter of his Grace was occasioned by a letter to him from Lord GRENVILLE, then Secretary of State for foreign affairs, communicating an extract of a letter which his Lordship had received from Mr. LISTON, the American ambassador, " on the subject of a doubt that had been started re-
" specting the boundary of His Majesty's Province of New-
" Brunswick and the American district of Maine." His Grace in his letter further says, " You will observe that
" this doubt is stated to have necessarily arisen out of the
" determination which has taken place respecting the inden-
" tity of the river St. Croix, intended by the American
" Treaty of 1783, and that although it *primarily* goes only
" to a presumed *right of water-way or Navigation* to that
" moiety of the Saint Croix, the boundary river which is
" nearest to the American territory, yet that it appears to be
" *ultimately intended* to deduce therefrom as a further conse-
" quence, *a right to the Islands* in Passamaquoddy-Bay, lying
" on the American side of such a water-way or navigation."

The extract from Mr. LISTON's dispatch, dated Philadelphia, 31st December, 1798, is as follows:—" Your Lordship
" will have observed in the speech of the President of the
" United States, to the two houses of Congress, a short state-
" ment of a fresh doubt that has been started with regard
" to the boundary between His Majesty's Province of Nova-
" Scotia and the American district of Maine. This difficulty
" was originally suggested by the Agent and the Commis-
" sioner of the United States appointed under the fifth article
" of the Treaty of Amity. I find, that the opinion given on
" this subject by the 3d Commissioner, Judge BENSON, at the
" conclusion of a paper which he has drawn up and put into
" the hands of the President and the Secretary of State, with

" a view of giving a general idea of the whole transaction, is " in the following words :—" *There is still a question concerning* " *the boundary of the two nations in that quarter, and originating* " *also in the Treaty of Peace, but which,* PARTAKING OF THE " NATURE OF AN OMITTED CASE, *can be settled only by negotia-* " *tion and compact. The Treaty supposes the St. Croix to issue* " IMMEDIATELY *into the Bay of Fundy, and of course that there* " *would be an entire* SEA-BOARD *boundary, if it may be so expres-* " *ed, between the termination of the Southern and the commence-* " *ment of the Eastern boundary of the United States; and it is also* " *intended that where the Eastern boundary passed through waters* " *that were navigable, both nations should equally participate in the* " *Navigation. The question then is how the boundary in the in-* " *termediate space, between where the mouth of the Saint Croix* " *hath been decided to be and the Bay of Fundy, is to be established* " *most consistent with the Treaty; in answer to which it may be* " *suggested that the boundary should be a line, passing through* " *one of the passages between the Bay of Fundy and the Bay of* " *Passamaquoddy; that the West passage being unfit for the pur-* " *pose, having a bar across it which is dry at low water, the next* " *to it must be taken and the line may be described*—BEGINNING " IN THE MIDDLE OF THE CHANNEL OF THE RIVER SAINT " CROIX AT ITS MOUTH, THENCE DIRECT TO THE MIDDLE OF " THE CHANNEL BETWEEN PLEASANT-POINT AND DEER- " ISLAND, THENCE THROUGH THE MIDDLE OF THE CHANNEL " BETWEEN DEER-ISLAND ON THE EAST AND NORTH, AND " MOOSE-ISLAND AND CAMPO-BELLO-ISLAND ON THE WEST " AND SOUTH, AND ROUND THE EASTERN POINT OF CAMPO- " BELLO-ISLAND TO THE BAY OF FUNDY."

It may not be improper here to repeat *that no doubt was ever entertained, what Islands* by the 2d article of the Treaty of Peace *belonged to Great-Britain;* nor was this any part of the question referred to the decision of the Commissioners under the 5th article of the * Treaty of Amity, Commerce and Navigation, it being easy to establish by authentic and unanswerable documents, what Islands at the time of, and before the Treaty of Peace were within the limits of the Province of Nova-Scotia.

The Duke of PORTLAND therefore *was justly alarmed* to find the right of water-way or navigation described by Judge BENSON, *claimed as a right deducible from the Treaty;* apprehending that it was intended to deduce therefrom as a

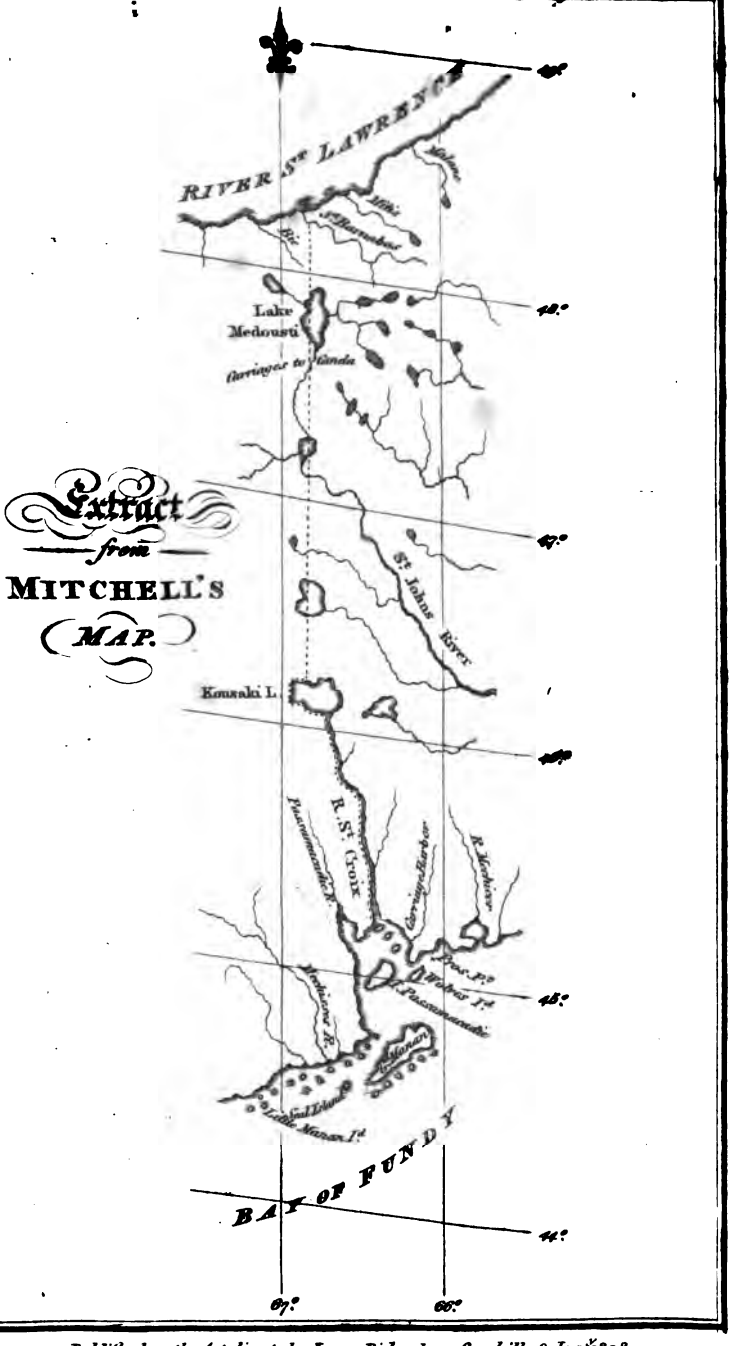
farther consequence, a right to the Islands in Passamaquoddy Bay, lying on the American side of such a water-way or navigation.

It is however to be remarked, that Judge BENSON did not extend *his* ideas to the pretensions advanced in the Claim now before the Court. He barely intimates that it was intended by the Treaty of Peace, that where the Eastern boundary of the United States passed through waters that were navigable, both nations should equally participate *in the navigation*; and surely a right of passage or navigation can never be construed into a right to stop and trade in that passage in direct violation of the laws of that nation through whose territory the right of passage is claimed. This would be contrary to every principle of good faith established among nations.

Whatever attempt might be made by the State of Massachusetts (which had always discovered the most anxious desire to extend its territory in that quarter) to deduce a right to the Islands on the American side of the passage or water-way, as a consequence of the right of water-way; it is not to be presumed that Judge BENSON had any idea of such consequence, as he well knew the provisions of the Treaty of Peace in this regard; and he also knew from personal acquaintance with the subject, having been upon the spot as a Commissioner, that Campo-Bello Island, by far the most considerable Island on the American side of the water-way described by him, was in fact held in full possession, property and sovereignty, by Great-Britain.

But I apprehend that it may be clearly demonstrated that there is no such omitted case as Judge BENSON supposes, and that there is a complete sea-board boundary established by the Treaty of Peace between the termination of what he calls the Southern and the commencement of the Eastern boundary of the United States.

Mr. LISTON's observation to this effect is very pertinent, namely—that with regard to judge BENSON's question, "the "British Government may be justified in maintaining, that "the question is already finally decided; the boundary has "been fixed by the Commissioners as far as *the mouth of the St. "Croix*, and that River according to the sense of the Treaty of "Peace, emptied itself immediately into the Bay of Fundy; "for in MITCHELL's Map, which was before the Ministers "at the time of the Negotiation, and which was therefore "the authority to which it was natural to refer, no such Bay



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" as the Bay of Passamaquoddy is laid down, the whole Arm " of the Sea which waters that part of the Coast being com- " prehended under the *general name of the Bay of Fundy.*

In confirmation of Mr. LISTON's reasoning it may be observed, that the second article of the Treaty of Peace describing the boundaries of the United States, and the declaration of the Commissioners under the 5th article of the Treaty of Amity, Commerce and Navigation, explaining and deciding the only doubt that had arisen in the construction of the 2d article of the Treaty of Peace respecting the boundary, must be considered as forming but one act or instrument, and that the declaration of the Commissioners respecting the identity of the River, the local situation and position of its mouth, and of its source, must have the same operation, meaning and construction, as if the contents of that declaration had originally made a part of the description of the boundaries in the 2d article of the Treaty of Peace, otherwise, the declaration, instead of explaining and deciding *the intention of the Treaty of Peace* with respect to the doubtful part of the boundary, would operate to the establishment of a new boundary not contemplated by the Treaty of Peace, which was beyond the power of the Commissioners who made that declaration. Accordingly, the fifth article of the Treaty of Amity, Commerce and Navigation, provides that the Commissioners shall by " a declaration under their hands " and seals decide what river is the river St. Croix *intended by* " *the Treaty of Peace*; that the said declaration shall contain " a description of the said River, and shall particularize the " latitude and longitude of *its mouth* and of its source. And " both parties agree to consider such decision as final and " conclusive, so as that the same shall never thereafter be " called in question, or made the subject of dispute or differ- " ence between them."

It never has been nor can be contended that the river St. Croix has two mouths; one mouth, and one mouth only, is spoken of in both Treaties, and in fact it ceases to be or to retain the form of a River at the place or point where its mouth is by the Commissioners declared to be, and it there empties its waters into a Bay, which is the common receptacle of the waters of that, with those of the Magaguadavic and several other Rivers emptying into the same Bay.

Considering then the 2d article of the Treaty of Peace, and the declaration of the Commissioners under the 5th

article of the Treaty of Amity, Commerce and Navigation, as forming but one instrument, and the geographical fact, that the river St. Croix has but one mouth, we may reason conclusively as follows.

The mouth of the River is in the Treaty of Peace *expressed*, and must therefore *be intended* by it, to be, *in the Bay of Fundy*.—The Commissioners under the fifth article of the Treaty of Amity, Commerce and Navigation, are required by a declaration* under their hands and seals to decide what river is the river St. Croix, *intended by the Treaty of Peace* to *describe the River*, and to particularize the latitude and longitude *of its mouth*, which must therefore be its mouth, *expressed* and *intended* in the Treaty, namely, *its mouth in the Bay of Fundy*. The mouth of the River is in this declaration *described* to be at *Joe's Point*, and its latitude and longitude are accordingly particularized in the declaration; therefore the mouth of the River thus *described* and *particularized*, and the waters into which it empties itself at *Joe's Point*, must be *in the Bay of Fundy*, or a part or section thereof. Hence it follows that the Bay above mentioned, sometimes called *Passamaquoddy*, but *now known* by the name of *St. Andrew's* Bay, into which the river St. Croix empties itself at *Joe's Point*, must have been contemplated by the framers of the Treaty of Peace as being in or a part or section of the Bay of Fundy, and must have been so intended by the Treaty. The description of the boundary in the Treaty of Peace is upon this supposition perfectly clear and complete, but on any other supposition it is palpably inconsistent with geographical facts that cannot be disputed.

There is then no such chasm in the boundary of the United States as Judge BENSON supposes: *The main land* of the United States on the sea-board is by the Treaty of Peace of necessity bounded by the shores of the United States from the mouth of Saint Mary's river to the mouth of the river Saint Croix, "comprehending all Islands within twenty "leagues of any part of those shores, except the Islands "that then were or theretofore had been within the limits "of the Province of Nova-Scotia;" all the Islands in this supposed chasm or *space* alluded to by Judge BENSON being within the limits of the Province of Nova-Scotia, and consequently reserved by the Treaty, and still belonging to Great-Britain, the United States are of necessary consequence bounded in

* Appendix, No. IV.

that quarter by *the western shore of the Bay of Passamaquoddy*, being that part or section of the Bay of Fundy into which the waters of the river Saint Croix at its mouth empty themselves, and consequently where in the terms of the Treaty of Peace the boundaries on that part "between Nova-Scotia and the United States touch the Bay of Fundy."

In conformity to this evidently just and only fair and consistent construction of the Treaty of Peace, the County of Charlotte, (as has been already observed,) was constituted by Letters Patent under the Great Seal of this Province in the year 1785, and confirmed by an Act of Assembly in 1786, under the following boundaries, to wit, "On the South "by the Bay of Fundy, on the West by the river Scoodiac or "St. Croix, and *the Western shore of the Bay of Passamaquoddy*, "including the Island of Grand Manan, &c." And I beg leave in this place humbly to insist, that *this and every other Court* established in the Province, *must be governed in their decisions by the existing laws of the Country.*

By the Treaty of Peace the mouth and source of the river St. Croix were points of equal importance with the identity of the River itself, as upon the situation of the former depended the commencement of the Eastern and the termination of what is called the Southern boundary of the United States, *which united in one and the same point*, and upon that of the latter, the interior boundary line from it, due North, through an immense tract of Country to the Highlands mentioned in the Treaty; these three important particulars were accordingly ascertained by the Commissioners under the fifth article of the Treaty of Amity, Commerce and Navigation, by giving in their declaration a full description of the River and of *its source*, and particularizing the latitude and longitude of *its mouth*; the obligation to ascertain the latitude and longitude of *its source* having been dispensed with by an explanatory article agreed upon between the two nations for that purpose.

Now, therefore, to contend that the mouth of the river St. Croix, described and particularized in the declaration of the Commissioners, is not its mouth *intended* and *expressed* in the Treaty of Peace, would be in effect to render the declaration altogether nugatory, as either of the parties, if dissatisfied, might with equal propriety call in question the decision with respect to the identity of the River itself and respecting its source, and if the mouth of the River particularized in the

declaration of the Commissioners, be its mouth contemplated and intended by the Treaty of Peace, it must, as has been already observed, be *its mouth in the Bay of Fundy*, and Passamaquoddy-Bay must be considered, as it in fact is, a section of the Bay of Fundy.

If then the question with regard to the Islands depends at all upon the situation of the mouth of the River, the declaration of the Commissioners is "final and conclusive, and can-"not now be called into question by either party, or made a "subject of further dispute."

But to consider the question in another point of view, the Treaty of Peace contemplated the mouth of the river St. Croix as being in the Bay of Fundy, possibly from the circumstance mentioned by Mr. LISTON that in MITCHELL'S Map which was before, and principally consulted by, the Ministers of the respective powers, at the time of the negotiation of the Treaty of Peace, "no such Bay as the Bay of Passama-"quoddy is laid down, the whole arm of the Sea which "waters that part of the Coast being comprehended under "the general name of the Bay of Fundy," and the mouth of the river St. Croix appearing by that Map to be in the Bay of Fundy. But still, if the mouth of the River, upon investigation, should prove not to be in the Bay of Fundy, it is evident that by the Treaty of Peace was intended *the mouth of that river Saint Croix*, which formed a part of the *western boundary of the Province of Nova-Scotia*, wherever the local situation of that mouth might be ascertained to be; for it cannot be contended that if the mouth of that River St. Croix which formed a part of the western boundary of the Province of Nova-Scotia should in fact be found not to be in the Bay of Fundy, that any other River which did not form a part of such western boundary was to be adopted, it being evident, as has been already shown, that the United States were to be bounded East, upon the western boundary of the Province of Nova-Scotia, and that the river Saint Croix formed a part of such western boundary. Wherever, then, the mouth of the river Saint Croix, forming a part of such western boundary, should be found to be, whether in the Bay of Fundy or in the Bay of Passamaquoddy, it must of necessity form the commencement of the Eastern and the termination of what is called the Southern boundary of the United States, or the object of the Treaty, in this respect, would be entirely defeated; and this will fairly account for the provision in the

Treaty of Amity, Commerce and Navigation, and the local situation of the mouth of the river Saint Croix should be ascertained by particularizing its latitude and longitude; thus in either case, and in every point of view, there is no chasm in the boundary of the United States; and it is not probable that any such question as the present would ever have arisen, but from the anxiety of the State of Massachusetts to retain and to extend their possessions of the British Islands in the Bay of Passamaquoddy.

The describing of the mouth of the river St. Croix in the Treaty of Peace as being in the Bay of Fundy, when in fact it is found to be in a small intervening Bay, communicating immediately with the Bay of Fundy, but bearing a distinct name, which distinct name, it must be presumed, was not known to the framers of the Treaty, will not, I humbly contend, admit of any such question as Judge BENSON supposes, "*partaking of the nature of an omitted case*," to be settled "by "further negotiation and compact." In this manner, to make new questions of this kind would tend not only to destroy the intention of treaties, and their object in putting an end to controversies between nations, but would be inconsistent with the rules laid down and established, and by which nations ought to be governed in the interpretation of them, and consequently would be a violation of the faith of treaties.

"In concessions, conventions, and treaties, in all contracts, "as well as in the laws," says Vattel, "it is impossible to "foresee and point out all the particular cases that may arise; "we decree, we ordain, we agree upon *certain things*, and ex- "press them in *general terms*, and though all the expressions "in a Treaty should be perfectly clear, plain and determi- "nate, the true interpretation would still consist in making "in all the particular cases that present themselves, *a just* "*application* of what has been decreed in a *general manner*. It "is therefore necessary to establish rules founded on reason, "and authorized by the law of nature, capable of diffusing "light over what is obscure, of determining what is uncertain, "and of frustrating the views of him who acts with duplicity "in forming the contract." Vattel, b. 2. c. 17. § 261.

"Unless certain rules be admitted for determining the "sense in which the expressions are to be taken, Treaties "will be only empty words, nothing can be agreed upon with "security; and it will be almost ridiculous to place any de- § 268.

" pendence upon the effect of conventions: the faith of " Treaties is no less violated *by a refusal to admit an evidently* " *fair interpretation* than by an open infraction."

He then proceeds to lay down, among others, the following rules.—" Every Treaty must be interpreted according to " fixed rules, calculated to determine its meaning, *as naturally* " *understood by the parties concerned, at the time when the* " *Treaty was drawn up and accepted.*"

Vattel, § 277. " To each *term* we should affix that meaning, which the party whose words we interpret *probably had in contemplation.*"

§ 283. " A Treaty ought to be interpreted in such manner as " that it may have its effect, and not prove nugatory."

§ 297. " In *unforeseen* cases we should rather be guided by the *intention* of the author of a Treaty than by his *words*, and interpret the instrument conformably to what *he would have* " *done*, if he had foreseen the circumstances which *are at* " *present known.*"

To apply these principles.—It was the object and design of the Treaty of 1783 to give a complete and entire boundary to the United States, and that the Eastern should commence at the termination of what is called the Southern boundary. It was intended to give to the Bay in which the mouth of the river Saint Croix was situated, the name by which it was known, and it was under this impression called the Bay of Fundy. It was intended that the mouth of the river Saint Croix, forming a part of the Western boundary of the Province of Nova-Scotia, wherever that mouth might be, should be the Eastern boundary of the United States: It was intended that all the Islands which at or before the time of the Treaty, were or had been within the limits of the Province of Nova-Scotia, should be reserved to His Majesty and continue to belong to Great-Britain; and in no other sense could the Treaty have been accepted by His Majesty consistently with any rational interpretation of it.—To deny either of these positions would be in effect to charge the framers of the Treaty with absurd or wicked and fraudulent designs.

It turns out upon examination that the waters into which the river St. Croix issues at *its mouth*, and which commmunicate immediately *with the Bay of Fundy*, form a small Bay known by the name of Passamaquoddy. Can it be contended that this Bay of Passamaquoddy is not to be considered, so far as respects the present question, *as being*, what it in fact is, *a part or section of the Bay of Fundy*, without a manifest

violation of the faith of Treaties, and an evident infraction of the rights secured by the Treaty? Let candour, justice and good faith, dictate the answer to this question.

In case the reasoning of his Grace the Duke of Portland should not be considered, as it appears to me to be, conclusive, with respect to His Majesty's right to the Islands in question, I come now to consider in what manner the right to these Islands may be affected or determined by the situation of *the mouth of the river St. Croix*, as particularized *in the declaration of the Commissioners* under the fifth article of the Treaty of Amity, Commerce and Navigation.—If the clause reserving these Islands to His Majesty must be affected or governed by the preceding part of the article, His Majesty's right to all the Islands in Passamaquoddy-Bay may, I humbly conceive, be demonstrated under that part of the *final* declaration of the Commissioners, which decides the mouth of the river St. Croix to be at *Joe's Point*, the Northernmost point of Saint Andrew's Harbour. After that part of the 2d Article of the Treaty of Peace, which assigns to the United States their precise boundaries, the words descriptive of the Islands granted to them follow thus:—"comprehending all Islands within 20 leagues of any part of the shores of the United States, *and* lying between lines to be drawn due East from the points where the aforesaid boundaries between Nova-Scotia on the one part and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean:" then the reservation follows in these words, "excepting such Islands as now are or heretofore have been within the limits of the said Province of Nova-Scotia:" the operation of the exception, if affected by any preceding part of the article, can be affected by the words of the cession only, and the Islands comprehended in the exception must be a part of those included in the cession, agreeably to the maxim, *exceptio probat, regulam.* The words forming the second part of the description of the Islands ceded by the Treaty must be intended to have some meaning, in ascertaining which, the conjunction *and* connecting the two parts of the description must be construed either in a copulative or disjunctive sense; if in the latter, the exception which follows in favour of His Majesty will apply *distinctly* to each of the descriptions and all the Islands in that part of the Bay of Fundy called Passamaquoddy-Bay, *being within* 20 *leagues* of the shore of the United States, and therefore

within the first description, will belong to His Majesty by virtue of the exception, be the mouth of the river St. Croix (the situation of which must determine whether or not they are within the second description) where it may. But if this connecting term is construed in a copulative sense, and all the words therefore as forming but one description, it will be necessary that all the Islands in this section of the Bay of Fundy be found within the second as well as the first part of the description, before the exception can apply to save and reserve them to Great Britain; on the present occasion I will interpret this conjunction in a copulative sense, because this is the sense most unfavourable to His Majesty, so far as respects the Islands in question, in which the words can be construed, and because, if it is taken in a disjunctive sense, the description in the latter part of the sentence will be altogether unlimited, as the East lines mentioned in it may be indefinitely extended, involving the most absurd consequences.

Adopting this construction, it will be necessary to draw the East lines mentioned in this part of the description, in order to ascertain the Islands lying between them, and consequently included both in the grant or cession, and the exception.

Let a line then be extended *due East* from the middle of St. Mary's river, where it *touches the Atlantic Ocean* till it becomes, and is thence farther continued 20 leagues, parallel with a *due East* line extended the same number of leagues from the middle of the mouth of the river St. Croix at *Joe's Point*, where it touches that part of the waters of *the Bay of Fundy*, it will be found that all the Islands in Passamaquoddy-Bay are not only within twenty leagues of the shores of the United States, but are also included *and lying* between these due East parallel lines, and consequently that such of these Islands as at the time of the Treaty were or theretofore had been within the limits of the Province of Nova-Scotia are reserved to His Majesty by virtue of the express exception in his favour; but if the mouth of the river St. Croix should, for the sake of the argument, be considered as being at the Western passage, where the waters in that passage intermix with the waters in the main channel of the Bay of Fundy, and the due East line in this behalf mentioned in the Treaty should be extended from this point or passage, it would be found that none of the Islands in Passamaquoddy-Bay would be within the description of the Islands ceded by the Treaty, nor

consequently within the exception, and that the exception would in this case reserve the Island of Grand Manan only to His Majesty from the operation of the general words of the cession; and the Islands in Passamaquoddy-Bay not being within the cession or exception, the right to them would be ascertained by the middle line of the waters from this point or passage Northerly to the middle of the river St. Croix to its real and only mouth at *Joe's Point*, and consequently Moose-Island, Dudley-Island, and Frederick-Island, the Islands in question, taken possession of by the Subjects of the United States since the Treaty of Peace being on the Western side of this middle line, would belong to the United States.

Of such importance, in this view of the question, *is the actual situation of the mouth of the river St. Croix.*

I shall now consider the first point of my argument as established, namely, "That all the Islands in Passamaquoddy-"Bay, including Moose-Island, Dudley-Island, and Frederick "Island, do of right, by the Treaty of Peace of 1783, be-"long to His Majesty."

2. The second point is, that all the waters surrounding those Islands belong also to Great-Britain.

The manner in which the first point has been investigated, and the various grounds upon which it has been established, preclude the necessity of a separate discussion of the second; the latter resulting as a necessary consequence of the former.

It was evidently intended by the Treaty of Peace, as has been repeatedly observed, that no part of the Province of Nova-Scotia should be thereby ceded to the United States; and it having been established that the *islands* and *waters* in question were at the time of the Treaty, and always theretofore had been within the limits of the Province of Nova-Scotia, from the first establishment of that Province in the year 1621, they must consequently still belong to His Majesty in full property and sovereignty.

As the whole territory of the United States, as well as the Province of Nova-Scotia, before the Treaty of Peace belonged to Great-Britain, it will be sufficient, in addition to what has been already said, to observe, that the islands and waters in question *never did before* that Treaty belong to nor were in possession *of the adjoining province now State of Massachusetts*, and it has been shown that these waters were not ceded to the United States by that Treaty, but on the contrary, that the United States are by the Treaty

bounded, in that quarter, upon the *Western shore of the Bay of Passamaquoddy;* indeed no waters whatever are *expressly* included in the cession, from the mouth of St. Mary's river, to the mouth of the river St. Croix, and in the interpretation of Treaties, says Vattel,—"the Proprietor cannot be deprived of "of his right, except so far *precisely* as he relinquishes it on his "part; and in case of doubt the presumption is in favour of the "Possessor." And again, "The cession of a right or of a "province, in order to obtain Peace, is interpreted *in its "most confined sense.*" And it is remarkable that he gives the following instance in illustration of his doctrine. "If it "were true," says he, "that the limits of Acadia were always "uncertain, and that the French were the lawful possessors "of it, that nation would have had a *right on their side* in "maintaining that their cession of Acadia to the English by "the Treaty of Utrecht did not extend beyond the *narrowest limits* of that Province."

Vattel b. 2. c. 17. § 305.

§ 308.

3. I come now to the third point of my argument, which may be considered also as a necessary consequence of the points already discussed, namely, "that a right of water-way, "passage, or navigation only, can be claimed by the United "States, from the main channel of the Bay of Fundy to their "moiety of the River St. Croix."

The question stated by Judge BENSON as remaining to be settled by negotiation and compact, I conceive, can merely respect such a right of water-way or navigation to that moiety of the St. Croix, the boundary river, *which is nearest to the American territory*, as this water-way must necessarily pass between the islands in Passamaquoddy-Bay, all of which have been shown to belong to His Majesty; indeed the question evidently arises from an implied concession on his part, that all these Islands do belong to Great-Britain, because if Moose Island, Dudley Island, and Frederick Island, the islands in question, had been supposed by him to belong to the United States, no question could have been made, but that they would have had an entire sea-board boundary, and an indisputable right of water-way through the western passage by these Islands, and along the Western shore of Passamaquoddy Bay to their moiety of the river St. Croix, which is indeed the passage that they uniformly make use of; for although there is a bar across some part of it, which is dry at low water, there is sufficient depth of water, when the tide is in, at least for any vessels they employ in this Navigation.

That such a right of water-way only was in the contemplation of Judge BENSON appears from the whole of his language upon the subject: he contends, that the Treaty of Peace "intended that where the Eastern boundary passed "through waters that were navigable, both nations should "equally participate in the *Navigation*;" and to secure such a right of Navigation to the United States, he proposes— "that the boundary should be a line passing through one of "the passages between the Bay of Fundy and the Bay of "Passamaquoddy; that the West passage being unfit for "the purpose, having a bar across it, which is dry at low "water, the next to it *must be taken*, and that the following "line should be adopted, viz. beginning in the middle of "the channel of the river St. Croix at its mouth, thence "direct to the middle of the channel between Pleasant "Point and Deer Island, thence through the middle of "the channel between Deer Island on the East and North, "and Moose Island and Campo-Bello Island on the West "and South, and round the Eastern point of Campo-Bello "Island to the Bay of Fundy."

Now it is hardly to be presumed that for the purpose of securing the proposed right of Navigation, which was the only object in view, it could have been intended by Judge BENSON that the property and sovereignty not only of Moose Island, Dudley Island, and Frederick Island, which, though at that time in the possession of subjects of the United States, did of right by the Treaty of Peace belong to Great Britain, but also of the large and very valuable island of Campo-Bello then in the possession of His Majesty as well as of right belonging to him, *must* of necessity be ceded to the United States in order to fulfil the intention of the Treaty of Peace, contrary to the intention of that Treaty so clearly *expressed* in it, with regard to the islands; and if he did not mean to divest His Majesty of his right to these islands, he could only mean by further negotiation and compact to secure the right of water-way, passage or navigation, above mentioned.

But if the foregoing reasoning is correct, there is no such chasm in the boundary of the United States as Judge BENSON suggests, and which is the sole foundation of the supposed necessity of farther negotiation between the two Nations, and it remains only to inquire what right the United States have by the law of nations to a water-way or passage through the waters in question.

Grotius, b. 2. c 3. § 18.

GROTIUS treating of Rivers says—"Though in case of "any doubt, the jurisdictions on each side reach *to the middle* "*of the River*, yet it may be, and in some places it has actually "happened, that the River *wholly* belongs to *one* party, "either because the other nation has not got possession of "the other bank *till later*, and when their neighbours *were* "*already* in complete *possession of the whole River*, or else, "because matters *were so stipulated by some Treaty*." GROTIUS does not proceed expressly to state what the law is in the latter case, but it is a fair and necessary inference, that in such case the nation to whom the *whole* River belongs must retain its *jurisdiction* over *the whole*.

Puff. b. 4. c. 5. § 8.

Puffendorf is more explicit.—"The Gulphs and Chan- "nels or Arms of the Sea, are," says he, "according to the "regular course, supposed to belong to the People with "whose lands they are encompassed; but in case different "nations border on the same channel, the sovereignty of "each shall be conceived to reach *into the middle of the* "*water, from every part of their respective shores, unless* "either all the estates have agreed, by covenant, to use *the* "*whole water* promiscuously among themselves, and to ex- "ercise a general undivided sovereignty over it, against "foreigners, *or else* if one particular people has *obtained a* "*dominion over the whole by pact*, or the tacit confession "of the rest, or by *the right of conquest*, or because they "fixed their station near it, and immediately took it into "full possession, exercising acts of sovereignty over the "people of the opposite shore. In which latter case never- "theless, the other neighbouring States their fellow bor- "derers shall be supposed to be *lords* of each of their *par-* "*ticular ports*, and of *so much* of the sea *as the convenient* "*access to the shore requires*."

In the present case it has been shown that the islands in question, and the whole of the waters between them, formed a part of the Province of Nova-Scotia before and at the time of the Treaty of Peace.

It has been shown that by that Treaty it was not intended that any part of the Province of Nova-Scotia should be thereby ceded to the United States, and consequently the United States can by the law of nations claim only to be lords of *their particular ports* on their shores, and such a right only in those waters *as the convenient access to their shores* requires. This inference is further confirmed by the

rules laid down by VATTEL in the interpretation of Treaties that have been already cited, "that the Proprietor cannot "be deprived of his right, except so far, *precisely*, as he "relinquishes it on his part," and that the "cession of "a right or of a Province to obtain peace is to be in- "terpreted *in its most confined sense.*"

The right of passage or water-way which may in the present instance be claimed by the United States, is founded upon the same reason with that of the maxim in our municipal law, "Quando ali quid cui conceditur; conceditur "et id, *per quod pervenitur ad illud;*" and can be extended no farther.

The same reasoning upon which the right in the present instance is founded will also confine that right to a water-way *through the Western passage*, as being competent to the enjoyment of every privilege and advantage that the United States are entitled to, as being the only passage they have been accustomed to use, and as being least liable to objection on account of carrying on any clandestine trade with the neighbouring part of His Majesty's dominions.

But to go farther. It is laid down by MARTENS in his Compendium of the Law of Nations, a work of acknowledged authority, that "a Nation is fully authorized to "prescribe the manner in which the commerce with its "dominions shall be carried on;" and in a note upon this passage he says, "The *famous Navigation Act*," (for a breach of the provisions of which the present prosecution is instituted) "passed under CROMWELL and confirmed by "CHARLES the 2d, *contained nothing contrary to the law "of nations*, notwithstanding it was very embarrassing to "other Countries." Martens b. 4. c. 3. § 4.

Sir William Scott in pronouncing sentence, in the High Court of Admiralty of England, in a case of appeal from a condemnation on the Revenue laws in the Vice-Admiralty Court of Jamaica, speaking of the same act with others on the same subject, says, "The Revenue and Navigation Laws are cer- "tainly to be construed and applied with great exactness: "they are framed for the security of *great national interests;* "and the effect of such laws, *founded on great purposes of "public policy*, must not be weakened by a minute tender- "ness to particular hardships." 1 Rob. ad. Rep. 220. The Betty Cathcart, Gillespie, Master.

Can it for a moment be contended or imagined that under cover of a right of passage or navigation, which is all

that the United States can pretend to in the waters in question, they can have any such right as is contended for in the claim which has been interposed in the present cause, to go with their vessels and anchor them in these waters, and there, in open defiance and violation of all these laws, to take their cargoes on board from British vessels? On the other hand, is it not a manifest violation of the faith of Treaties, and a most unwarrantable invasion of His Majesty's rights, for the subjects of the United States to be guilty of such practices under so frivolous a pretext? All the rules laid down by the most approved writers upon the law of nations reprobate the principles upon which such conduct is attempted to be justified. As well might the American vessels, or the vessels of any other power in amity with Great-Britain, because they have a right of navigation in the British Channel, claim also a right to lie at anchor off Torbay, or Weymouth, or any other British port in the channel, and there take on board from British vessels cargoes *of articles prohibited* to be exported from Great-Britain, or carry on any other species of *illicit* and *clandestine* trade, as the Claimant in the present instance be justified in the conduct which he avows in his answer to the information.

If we look into the articles of the Treaty of Amity, Commerce and Navigation, between His Majesty and the United States, we shall find that provision is made for every species of commerce that may be *lawfully* carried on by either nation within the territories of the other.

By the eleventh article it is provided, "that there shall "be a reciprocal and entirely perfect liberty of Navigation "and Commerce between their respective people, in the "manner, under the limitations, and on the conditions spe- "cified in the subsequent articles." In the 12th article the trade between the United States and the *British West-Indies* is permitted under certain limitations; in the 13th article their trade with the territories of Great-Britain in the *East-Indies* is also permitted under certain conditions and limitations; in the 14th article it is provided, "that there "shall be, between all the dominions of His Majesty *in Eu-* "*rope*, and the Territories of the United States, a recipro- "cal and perfect liberty of Commerce and Navigation;" but *no provision* is made in any of the articles for carrying on any trade between the United States and His Majesty's Sea-ports in his North-American Colonies.

Would it not be sufficient that this trade is entirely left out in the enumeration of the places in which the Treaty provides for the liberty of Navigation and Commerce between the two Nations, in order to determine that no such trade can be justified under the Treaty? The maxims, "*expressum facit cessare tacitum*," and "*expressio unius est exclusio alterius*," are as just and as applicable in the interpretation of public Treaties, as of the municipal law; and it is to be observed here that the right of passage or navigation now under discussion, in the waters in question, does not respect any right of Navigation between the Territories of the two Nations, but only a right of passage or Navigation between different parts of the Territory of the United States, through a part of the British territory, and even this merely that the moiety of the river St. Croix, ceded to them by the Treaty, may not prove a useless acquisition for want of a convenient communication with or access to it by water.

But the inference I am now contending for does not arise merely from the omission above mentioned in the enumeration of the places in which the Treaty provides for the liberty of Navigation and Commerce between the two Nations; so important an object was it to prevent an infringement of the Navigation Act under any pretence, in His Majesty's Colonies upon the continent, that in the 3d article of the Treaty which provides for the communication by land, and "the inland navigation between *the territories* and countries of the two parties *on the continent* of America," and gives liberty "to navigate all the Lakes, Rivers and Waters thereof, and freely to carry on trade and commerce with each other;" an express clause is added, "that this article does *not* extend *to the admission of vessels of the United States into the Sea-ports, Harbours, Bays or Creeks* of His Majesty's said Territories, or into any parts of the Rivers in His Majesty's said Territories *below the highest port of entry from the Sea.*" Thus careful was the Treaty to prevent and prohibit the infraction of the Navigation Act, and that illicit trade which is now claimed as a right on the part of the United States.

By the Treaty of Peace no provision whatever was made for the carrying on of any Commerce between His Majesty's territories and those of the United States, and *in the instructions* to Mr. LEONARD, accompanying His Majesty's

commission to him as superintendent of the trade and fisheries carried on, on the coast of His Majesty's North-American Colonies, originally given in the year 1788, and confirmed in the year 1797, three years after the Treaty of Amity, Commerce and Navigation, he is directed, "upon "no account to permit *any commerce or traffic of any na-* "*ture or kind* to be carried on between the subjects of His "Majesty and the citizens of the United States, who may "come within the limits of his district, in contradiction to "the laws and regulations which have been established."— Such is the opinion of His Majesty's Government respecting the right claimed in the present instance, on the part of the United States, to contravene and violate the laws and regulations referred to in these instructions. But by way of protestation it is said in this claim, that Mr. LEONARD as superintendent of trade and fisheries had no right to make any seizure for a breach of the laws of trade: this is an assertion that may be well doubted, but it is unnecessary to go into this discussion at present, as the difficulty is obviated by his having a Commission from the Customs, authorizing him to make seizures in those cases; and as his appointment was made for the sole purpose of attending to the due execution of the Treaties between the two countries, his having such commission to confirm his authority to make seizures, forms another ground of argument in favour of the legality of the present seizure, and of the liability of the Sloop and Cargo to confiscation.

From the foregoing premises it is presumed that an inference may be safely drawn, that a right of water-way, passage or navigation only, can be claimed by the United States from the main channel of the Bay of Fundy, through the waters in question to that moiety of the river St. Croix which is nearest to the American territory; and further that such right of navigation is so far from authorizing the carrying on of any commerce or traffic of any nature or kind, between the subjects of His Majesty and the Citizens of the United States in those waters, that any such commerce or traffic is not only prohibited under the penalty of forfeiture of the vessel and cargo by the navigation laws of Great-Britain, but is contrary to the express provision of the Treaties existing between the two Countries.

II. This brings me to the second ground of defence set

up in the Claim, namely, that if the waters in question are not *wholly within*, and do not *wholly* belong to the United States, *they are the* waters *of the River forming the boundary between His Majesty's dominions* and *the said United States*, and as such *neutral* and *in common* for the vessels of both nations. In other words, if the United States cannot succeed in their claim to Campo-Bello Island, *they are determined to insist upon their right to the three other Islands of which they have taken possession.*

The foregoing arguments, accompanied by a bare inspection of the Maps before the Court, destroy the idea that the waters in question are the waters of the river St. Croix, which is the River forming the boundary here alluded to; and it has also been proved that they are neither *neutral* nor *common* for the purpose of any *traffic* or *commerce*, forbidden by the laws of either Country, but merely for the purpose of a *water-way*, *passage* or *navigation*, between the different parts of the Territories of their respective nations.

But we will suppose for the sake of the argument, that the waters in question were the waters of the boundary river; even in that case they could be only *neutral* or *common* for the purposes of passage and navigation, and not for the purpose of carrying on an illicit and clandestine trade between the subjects of the two Countries, and the waters being *in common* must be considered wholly as the waters of either nation, for the purpose of authorizing a seizure in any part of them of the vessels of either, transgressing the laws of the other country; this is the only interpretation of the Treaties between the two countries that is consistent with the express intention of the Treaties, with good faith or common sense.

The provision that is made in the 3d article of the Treaty of Amity, Commerce and Navigation, respecting the river Missisippi, fully confirms this interpretation. This River, according to the Treaty of Peace, was to be *entirely open to both parties*, as the waters in question in the present cause are claimed to be, but this *common right of navigation* gave to neither party a right to trade in any place in this *common River*, belonging to the other; accordingly it is *expressly* provided in the 3d article above mentioned, "that all the "ports and places on its Eastern side, to whichsoever of the "parties belonging, may freely be resorted to and used by "both parties, in as ample a manner as any of the Atlantic

" ports or places of the United States, or any of the *ports* " *or places of His Majesty in Great-Britain.*"

But to narrow the cause to the precise circumstances of the present case, as set forth in the Claim.

We have seen that, by the law of nations, as laid down by GROTIUS and PUFFENDORF, in case different nations border on the same channel, the sovereignty of each shall be conceived to reach into *the middle* OF THE WATER, from every part of their respective shore; unless either has obtained a dominion over the whole: and to the same effect MARTENS says, " Every nation has a right to property and " dominion *as far as the middle* of all the Lakes and *Rivers* " that are situated on its frontiers, at least till the contrary " has been proved, or till another division has been agreed " upon."

Martnes b. 4. c.4. s. 3.

It must be recollected that I am now arguing upon the supposition that the waters in question were the waters of the boundary river, the St. Croix, as contended for in the claim: and I will suppose further for the sake of the argument, that Moose-Island, Frederick-Island, and Dudley-Island, belong to the United States. Admitting then farther the absurd idea that the subjects of either nation have a right to carry on any trade prohibited by the laws of the other in these waters, such right must be confined to that part of the waters or river lying on their side of the middle of the waters, because at the middle of the waters the sovereignty, property, and dominion of the two nations respectively terminate.

Now it is not pretended in the present case, that either at the time the sloop came to an anchor, or when her cargo was laden on board, or when she was taken, she was on the American side of such middle of the waters between Campo-Bello Island and Dudley-Island. The claim barely states, that " the sloop came to an anchor between the said two " Islands, so as to see the house of the American custom-" house officer, Lewis Frederick Delesdernier, upon the " *American shore* from the said sloop when anchored, and " *without the Points or Head-lands forming Snug-Cove.*" It is not pretended that this house cannot be seen from the waters on the British side of the middle line, nor can it be presumed, as the house is stated to be upon *the American shore;* and by a bare inspection of the map or chart, which is admitted to give a correct description of the places in

question, it will be seen that the sloop might lie *without the Points or Head-lands forming Snug-Cove*, and yet be nearer by seven-eighth parts of the distance to Campo-Bello, than to Dudley-Island. So that had this cause been brought on to a hearing upon the libel and answer, a condemnation must inevitably have taken place upon the claimant's own shewing, if he could not make out that this illicit trade may with impunity be carried on by American subjects within the British territory; and if such trade might be so carried on within the British territory at the place where the sloop was anchored, it certainly would have been equally justifiable to have taken in the cargo from the wharfs or shores of Campo-Bello Island.

The Claimant, aware of this difficulty, resorts to his next ground of defence, which is,

III. "That the anchoring, lying and *loading with Plaister* " *of Paris from on board British vessels, at the place where* " *the sloop was seized*, has been for a long time sanctioned " by the concurrent assent of the officers of his majesty's " customs at this port of St. John, and at the port of Pas- " samaquoddy, as a practice not prohibited by any of the " existing laws of either of the two countries." In another part of the claim, he avers that " this is the place heretofore " pointed out and assented to by the officers of his Majesty's " customs of the port of St. John, as the proper place for " the vessels of the United States to anchor and take in " their cargoes of Plaister of Paris."

How far this ground of defence is substantiated by the witnesses in point of fact, will be seen when their depositions come under the consideration of the Court; for the present purpose, the facts here stated shall be taken for granted.

The loading of the sloop with Plaister of Paris from on board British vessels in the present instance, as stated in the claim, was, or was not, a violation of the British laws of trade.—If it was not a violation of these laws, no sanction of the custom-house officers was wanting to justify it.—If it was a violation of these laws, no permission, acquiescence, connivance or sanction on their part, could authorize it, or can save the sloop and her cargo from the penalty of those laws.

This part of the defence therefore, be it true or false, can be of no avail to the claimant.

This court must decide agreeably to the law, and will, I

have no doubt, be of the same opinion with the present eminently learned Judge of the High Court of Admiralty of England, "that the revenue and navigation laws are to "be construed and applied with *great exactness*, that they "are framed for *the security of great national interests*, and "that the effect of such laws, founded *on great purposes* "*of public policy*, must not be weakened by a minute tenderness to particular hardships."

A similar defence with the present was set up before him, on the part of the Claimants in the case of the Hoop, Cornelius, master. In pronouncing judgment Sir WILLIAM SCOTT, says—"This is the case of a ship, laden with Flax, "Madder, Geneva, and Cheese, and bound from Rotterdam ostensibly to Bergen; but she was in truth coming "to a British port, and took a destination to Bergen to deceive French cruisers; and as the claim discloses (of which "I see no reason to doubt the truth) the goods were to be "imported on account of British merchants, being most of "them articles of considerable use in the manufactures and "commerce of this country, and being brought under *an* "*assurance from the commissioners of the customs in Scotland, that they might be lawfully imported without any* "*licence, by virtue of the Statute* 35 *Geo.* 3. *c.* 15. *s.* 80.

1 Rob. Ad. Rep. 198.

"It is said that these circumstances compose a case intitled to great indulgence, and I do not deny it. But if "there is a rule of law on the subject binding the court, I "must follow where that rule leads me, though it leads to "consequences that I may privately regret, when I look "to the particular intention of the parties."—"The intention of the parties might be perfectly innocent, but there "is still the fact against them of that actual contravention "of the law, which no innocence of intention can do "away."

"I may feel greatly for the individuals, who, I have reason to presume, acted ignorantly under advice that they "thought safe; but the court has no power to depart from "the law which has been laid down, and I am under the "necessity of rejecting the claims."

I come now to the last ground of defence stated in the claim.

IV. "That the claimant obtained a foreign clearance "from the American custom-house, *to enable him to go with* "*his sloop*, and *anchor off Snug Cove, without the Points*

" *or Head-lands forming the cove*, there to take in a cargo of " plaister of Paris *from British vessels.*"

The foreign Clearance here referred to is as follows.

" UNITED STATES of AMERICA."

" District and port of " PASSAMAQUODDY." } STATE of MASSACHUSETTS.

L. S.

(Signed)

" THESE are to certify all whom it " does concern, that EBENEZER " LOCK, Master of the Sloop FAL- " MOUTH, burthen Ninety-three " Tons or thereabouts, mounting " no Guns, United States built, " navigated with four men, and " *bound for St. Andrews*, having " on board as follows, viz. BAL- " LAST & VESSEL's STORES, " hath here entered and cleared " his said vessel according to Law.

" LEWIS FRED. DELESDER- " NIER, Collector."

" Given under my hand and " seal of office, this twenty- " second day of October, in " the year of our LORD, " Eighteen hundred and " Five, and in the 30th of " the Independence of the " United States of America."

The first observation that occurs upon the face of this pretended foreign clearance is, that the vessel is cleared out for St. Andrews, a *British port or place* in the province of New-Brunswick, into which it must have been well known to this American collector, that this vessel *could not be permitted* to enter, and for which he must also have known, that he ought not upon any pretence to have cleared out an American vessel.

In the next place it appears from the claimant's own account of the transaction, that this clearance was not obtained to enable the sloop to go to Saint Andrews, and that she was not bound for St. Andrews, but that it was obtained to *enable him to go with his sloop and anchor off Snug Cove, without the points*

or head-lands forming the Cove, there to take in a cargo of plaister of Paris *from British vessels*.

Now, if this cargo was to be taken on board from *British vessels* lying within any port or place in *the United States*, no such *foreign* clearance was necessary; and if it was to be taken on board from *British vessels* lying within the *British territory*, the clearance was manifestly given, in open violation of the British navigation laws, and of the express provisions of the third article of the treaty of amity, commerce and navigation, between the two nations.—In whichever light then this clearance is viewed, it must be pronounced false or fraudulent.

Again, this cargo could not have been taken on board this sloop within the United States, without having been regularly imported there, and if so imported in a British vessel, such vessel must have been entered at the American custom-house, and have paid the *tonnage* duty and the *light* duty, imposed by the laws of the United States upon all foreign vessels, amounting together to one dollar per ton; this clearance then was evidently intended to prevent the payment of these duties by taking the cargo on board within the British territory, and was therefore doubly fraudulent on the one hand by depriving the United States of these duties, and on the other by procuring an open and intended violation and infringement of the British laws and the treaties subsisting between his majesty and the United States.

Again, this clearance was obtained for the express purpose of enabling this vessel to take on board the cargo in question,

This clearance was obtained for the express purpose of enabling this vessel to take on board the cargo in question, *within the British territory*.

The cargo, by the claimant's express averment, was taken on board *in* consequence and by virtue of this clearance.

The cargo then, by the claimant's own shewing, was knowingly laden on board the sloop, within the *British territory*; and being so laden is liable to forfeiture and condemnation in this court.

It is perhaps difficult to conceive a more bare-faced attempt to violate the existing laws of both nations, or a more bare-faced avowal of so flagrant an intention than is exhibited on the part of the claimant in the present cause.

And the principal ground of justification seems to be that such a practice has been "for a long time sanctioned by the "custom-house officers of both nations:" if this be the case,

it is high time to put a stop to a practice so dishonourable to both countries, so extensively injurious to his majesty's interests and the commerce and navigation of Great-Britain.

The consequences of supporting the claim in the present cause would be truly alarming; this would be in effect to exercise an act of the highest dominion and sovereignty, by making the ports on the British and American side of these waters to be *free ports* reciprocally, and to annihilate in these waters the provisions of the laws of trade and navigation of both nations.

If this sloop could lawfully take in the present cargo from British vessels, at the place where it was laden on board, it must have been equally lawful for these British vessels to receive from the sloop in the same place a cargo of East-India or any other goods prohibited to be imported either from the United States, or in foreign vessels, into this province.

Again, if the conduct of the claimant in this instance can be justified, it must be equally lawful for a British vessel to lie at anchor off Moose-Island or Dudley-Island, at any place on the American side of the middle of these waters, and there discharge her cargo, of whatever articles it may consist, into American vessels, without entering at the American custom-house, or paying the tonnage, light or any other duty, or being subject to any penalty of the laws of the United States, on any account whatever.

Indeed there is no end to the absurd consequences that would necessarily result from an establishment of the defence set up by the claimant, and it must be evident that the only rule that can be laid down consistently with the laws of, and the treaties between, the two nations, is, that there can be no trade lawfully carried on in these waters between the vessels of his majesty's subjects and of the subjects of the United States, which it would not be lawful for the former to carry on in the ports and harbours of the United States, and for the latter, in the ports and harbours of his majesty's dominions.

This would leave the right of navigation free, and the waters entirely open to both parties, for every lawful purpose; it would not interrupt any communication between the vessels of the same nation in any part of these waters, and would effectually prevent the violation of the laws of either; consequently, in whatever part of these waters either a British or American vessel should be found, the one directly or indirectly transgressing the laws of the nation of the other, it

must be lawful for the proper officer of the nation whose laws are transgressed to see those laws enforced by such seizures and prosecutions as are directed for that purpose.

Even the above rule is laid down, under the supposition, for the sake of the argument, that Moose-Island, Dudley-Island, and Frederick Island, belong to the United States, considering their possession as equivalent to a title in the present discussion.

Well might his Grace the Duke of PORTLAND predict that although the doubt started on the part of the United States "primarily went only to a presumed right of water-way or "navigation to their moiety of the St. Croix, yet that it was "*ultimately* intended to deduce therefrom as a further conse-"quence, a right to the Islands in Passamaquoddy-Bay, "lying on the American side of such water-way or naviga-"tion," among which Islands, Campo-Bello, as we have seen, was included.

This prediction we now see amply verified, in the course of six years from the date of his letter, and *if such claims are submitted to*, the tacit acquiescence of Great-Britain in these assumptions will soon come to be looked upon as an absolute acknowledgment of the title, and we know not what farther pretensions may be advanced and persisted in, in the same manner.

Although, if the foregoing reasoning be correct, it is totally immaterial in what particular part of the waters in question the sloop now under prosecution was lying, at the time her cargo was laden on board, whether on the British or American side of the supposed line agreed upon by the custom-house officers of the two nations, I will nevertheless proceed to examine the evidence upon this point; premising that the testimony taken on the part of the prosecution has been principally with a view to shew *the importance of the trade* thus (as we contend) illegally carried on, and the extent of the mischiefs and inconveniences resulting to the British trade and commerce, from the practices avowed and justified in the claim now before the court.

So alarming indeed have been the effects of these injurious practices, that they have claimed the serious attention of the house of assembly of the province, who, in their session in February, 1803, passed the following resolution:—

"Resolved, that an humble address be presented to his "excellency the lieutenant-governor, requesting that he will

" be pleased to state to his majesty's ministers the necessity of " an act of the British parliament, compelling masters of ves- " sels lading plaister of Paris or Grind-stones at the mines " of *Nova-Scotia*, *New-Brunswick*, and in the *Gulph of St.* " *Lawrence*, to give bond to the officers of his majesty's cus- " toms in the different ports where the same shall be laden " on board, not to land or unload the same in any port or " harbour in the American States to the northward and east- " ward of *Portland*, in the state of *Massachusetts*, or in any " British port, but for the purpose of being re-shipped on " board British vessels, who shall give bond as before-men- " tioned, not to land the same in any port or harbour of the " United States of America, to the northward and eastward " of *Portland*, in the State of Massachusetts."

In answer to which address, his excellency was pleased to say, "that representations would be made to his majesty's " ministers accordingly."

[The testimony in the cause was very voluminous, and principally tended to shew on the part of the claimant an *agreement* made about six years ago between Mr. Dunn, the acting British custom-house officer at St. Andrews, and Mr. Delesdernier, the American custom-house officer at Passamaquoddy, that British and American vessels lying *in any part of the waters outside of the points or head-lands which form the harbours* either on the British or American shores, that is, of *Dudley* and *Moose* Islands on the *American* side, and of *Campo-Bello* Island on the *British* side, should be considered as lying in waters wholly *neutral, free* or *common* for both nations, and might *lade or unlade their cargoes without interruption or seizure by the officers of either government*; which agreement was fully proved by the custom-house officers on both sides, and the practice agreeably to such agreement was also proved by them and many other witnesses.

Upon the cross examination of the claimant's witnesses, it appeared that it was a common practice till within the last two or three years for American vessels to take their cargoes on board from the shores and wharfs of *Campo-Bello* Island, but that such practice was not known or assented to by the British custom-house officers; that this practice was interrupted and put a stop to by the frequent visits of the Union cutter under the direction of

Mr. Leonard, the prosecutor in the cause. It appeared farther in evidence that for several years past it has been and still is customary to permit the loading of American vessels, lying close off any of the coves or harbours on the British side, by taking in their cargoes with boats, gondolas and small craft from the wharfs and shores on Campo-Bello Island, provided only that such American vessels do not lie within a line drawn across the points forming such coves or harbours. To this point one of the claimant's witnesses deposed, "that he had seen, as "he supposed, near *an hundred vessels* of the United "Sates taking *in plaister* from British vessels *in Snug* "*Cove*, three, four, and five years ago; but that such "practice has not been so frequent of late, *for fear of the* "*Union* cutter. Four or five others of the claimant's "witnesses also testified "that this practice was discon-"tinued by reason of the Union cutter coming often in "the way."

With regard to the sloop Falmouth, it appeared in evidence, that the said sloop upon her arrival from her last voyage from Portland in the State of Massachusetts, anchored at the place where her cargo was taken on board, *off Snug Cove*, but on the *outside* of a line drawn across the mouth of the cove from one to the other of the points or headlands forming the said cove; and that she was much nearer to Campo-Bello Island than to Dudley-Island. The American custom-house officer, one of the claimant's witnesses, who was on board her, upon his cross-examination says, that she was lying "*without a line drawn across Snug Cove*, and in the *neutral* waters described in the *agreement*." It also appeared that the sloop never altered her situation in any respect, nor took up her anchors from the time of her first arrival there till she was taken possession of by the cutter; that upon such her arrival she entered at the American custom-house in that neighbourhood, and took out the foreign clearance, before recited, for St. Andrews; that the two British vessels from which the cargo of the sloop was laden on board, arrived from the province of Nova-Scotia, and came to anchor in the same waters near to the place where the said sloop came to an anchor; that these British vessels entered at the British custom-house kept at Campo-Bello; and that the sloop and British vessels being along-side of each other in these waters, the

sloop received the cargo in question from these British vessels; that the sloop was taken possession of by Mr. Charles E. Leonard, commanding the Union cutter, as a deputy to Mr. Leonard the prosecutor, in his office of superintendent of trade and fisheries, and brought to the harbour of St. John, where she was formally seized by the prosecutor, and libelled in this court.

It also appeared that this was the usual mode of carrying on the trade, and was strictly in conformity with the agreement of the custom-house officers before-mentioned; and that the British and American vessels under this agreement were permitted to interchange their cargoes in these waters in the manner before mentioned, without molestation or seizure by the custom-house officers of either government.

The distance between *Dudley* Island and the nearest headland of *Campo-Bello* Island appeared by a map admitted in evidence by both parties as correct, to be upwards of three quarters of a mile, and between Moose-Island and Campo-Bello Island nearly two miles.

With regard to the foreign clearance, Mr. Delesdernier, one of the claimant's witnesses, testified as follows, "that "the claimant applied for and obtained a *foreign clear-* "*ance* for the sloop *for St. Andrews*, in ballast and stores. "—That it was not intended nor necessary to proceed "to *St. Andrews* in consequence of such clearance, it be- "ing customary to grant such clearances to American "vessels taking plaister, *to entitle them to a re-entry in the* "*ports of the United States*;—That by such clearance the "American vessel is enabled to receive plaister from a "British vessel *without obliging such British vessel to enter* "*at the American custom-house*.—That all British vessels "entering at the American custom-house are subject to "a duty of one dollar per ton.—That the American ves- "sels after obtaining these foreign clearances, without "any removal or altering their situations in any respect, "proceed to take their cargoes on board from British "vessels, and thence proceed *to any part* of the United "States."

From the testimony of the British custom-house officers it appeared, "that the British vessels in which the plaister "of Paris is imported from the upper parts of the Bay "of Fundy, into that part of the British territory bor-

" dering upon the United States, regularly enter and " clear at the British custom-house."

With regard to the western passage into Passamaquoddy Bay, so frequently alluded to, John Mills, a witness produced on the part of the prosecutor, deposed, " that " he is a branch pilot for the port of St. John and " in the Bay of Fundy, and has been so employed nearly " since the first erection of this province of New Brunswick, and that he is well acquainted with the western " passage into Passamaquoddy Bay, otherwise called St. " Andrew's Bay, by West Quaddy Head, so called, and " that the said western passage is the passage generally, " and almost in all instances, made use of by American " vessels trading and navigating to and from Moose " Island, the river Cobscook and the river Scoodiac— " that the said western passage is much more convenient " than the eastern passage for American vessels trading " and navigating to and from the places above mentioned, " because the said western passage is a much shorter " route to the said places than the eastern passage, and " also because the American custom-house is situated on " the said passage nearly about the centre of the narrow " part of it, and the said custom house is very difficult " of access to all vessels coming through the eastern " passage aforesaid, and it is the opinion of this depo- " nent, that the said American custom-house is thus " situated as aforesaid for the convenience of the Ame- " rican vessels coming through the western passage " aforesaid, and that he has very seldom known such " American vessels to make use of any other than the " western passage aforesaid—that it sometimes happens " when such vessels are bound into the places above " mentioned, and have the wind from the Northwest, " that they will come through the eastern passage afore- " said, as such northwest wind is directly a-head for " them in coming through the said western passage. " That there are shoal grounds consisting of muscle banks " extending nearly across the said western passage, " but that such shoal grounds do not impede the na- " vigation of vessels in the said passage when the tide " is in; that he the deponent, as a branch pilot as afore- " said, once piloted a ship of about three hundred tons " burthen, and drawing as much as fifteen feet of wa-

" Island aforesaid and Spruce Island, to ca[illegible] the
" Bay of Fundy."

This passage or channel last above described by Mr. Mills, is the same which he calls the eastern passage in his de-

position upon the direct interrogatories, and is the same that is described by Judge Benson, and recited in the former part of this argument.

The whole of the testimony in the cause was discussed very much at large, when the argument was concluded with the following animadversions upon the foreign clearance and the observations subsequent thereto.

The minutes of that part of this argument, which precedes the introduction of the testimony, were made before I had looked into any part of the testimony, and so extravagant at that time appeared to me *such a right* as now appears to have been in the contemplation of the claimant, that barely shewing it to be a *necessary consequence* of the doctrine which I then supposed would be the utmost that would be contended for in the claimant's defence, was in my mind an irresistible proof of the absurdity of that doctrine; but to my surprise, I now find, that the claimant's defence rests in the broad assertion of *that right* as *legally vested in him*, not only by usage and custom, but even *independently* of such usage.

This makes it necessary for me to inquire farther into the *legality* of the right thus claimed, and to show the absurdities necessarily resulting from such claim.

Mr. Delesdernier testifies, "that with a view to the *ease* "and *accommodation* of persons concerned *in navigation*, he "about six years ago entered into a *tacit* agreement, with the "officers of the *British customs* at Passamaquoddy, for a "*neutral line*, or rather *limits*, between which vessels of both "nations might *safely* lie at anchor and *receive or discharge* "*their cargoes*, which lines or limits were understood to lie "between the *head-lands* of *Campo-Bello* on the one side, and "the *head-lands* of *Dudley* and *Moose* Islands on the other "side." He afterwards says, "that *in consequence of these* "*arrangements*, he has considered that such *British* vessels "are in *neutral* waters, and not subject to tonnage or other "duty." So that, had it not been for this *tacit* agreement, these British vessels would have been subject to the tonnage and light duty, amounting together, as he testifies, *to one dollar per ton.* This is certainly a very extraordinary power to be assumed by a custom-house officer, to dispense with the laws of his country.

It seems that the *tacit* agreement, arrangement, or accommodation treaty, which Mr. Delesdernier here speaks of, *in consequence of which*, he was no longer to consider British

vessels in these *neutral* waters, as being subject to the American duty of one dollar per ton, could not be carried into effect without the contrivance of the foreign clearance, by which the British vessel was to be discharged from the payment of this duty.

The British vessel, if considered as being in *American* waters, must enter at the American custom-house, and pay the duty, otherwise such vessel could not be permitted to discharge her cargo into an American vessel in these waters.

If considered as being in *British* waters, such vessel could not be permitted by the British custom-house to discharge her cargo into an American vessel at all.

To get over this difficulty, the American vessel arriving in these waters, is, in the first instance, considered by the American custom-house as being in waters wholly American, and is accordingly required to enter at the American custom-house, in the same manner as the British vessel arriving in the same waters is in the first instance considered by the British custom-house as being in waters wholly British, and accordingly required to enter at the British custom-house.

The next step is for the American vessel without discharging any part of her cargo, (if she happen to have a cargo on board to give in exchange for the British plaister) and without any alteration in her situation, after having entered from her last voyage at the American custom-house, to apply for and obtain as a matter of course from the same custom-house a foreign clearance *for St. Andrews*, for the same vessel.

The American vessel and the British vessel, which under this *accommodation* treaty are respectively to lade, unlade, and exchange their cargoes in these waters, which at this period of the process are instantaneously *neutralized*, are at length brought into contact with each other.

The operation of the foreign clearance is now wonderful, without any removal or alteration of the situation of either of the vessels in any respect, from the time of their first arrival in these waters and entry at the custom-houses of their respective nations; on a sudden, these waters to the American vessel become *foreign* and *British*; this vessel is under *clearance for St. Andrews*, but not *bound* or *intended for St. Andrews*, which is confessedly on all hands a British port in the province of New Brunswick; but she cannot *re-enter* at any port in the United States, without evidence that the cargo of plaister, being an article of foreign growth, which she is

to take on board from the British vessel, was actually laden on board in a foreign port, as it would be otherwise liable to seizure for non-payment of the tonnage and light duty. This *foreign clearance* then, to the American vessel, transforms these waters from American or neutral, to British, while the same waters to the British vessel remain neutral, and farther becomes legal and satisfactory evidence at any port of the United States, to which the American vessel carries the plaister, that it was actually taken on board at St. Andrews in the British province of New Brunswick, and in the last stage of its potent influence, intitles this American vessel to a reentry in such port.

Farther, this foreign clearance thus made complete and legal evidence in any port in the United States to which the cargo shall be carried, that such cargo was actually laden on board the sloop in a British province, is applied for and obtained by the claimant for the avowed purpose of depriving the American revenue of the tonnage and light duty.

Most righteously then shall the same clearance be considered in this court as complete and legal evidence of the *same fact*, for the purpose of preventing a violation of the British laws with impunity.

This consideration destroys every idea of hardship, and all pretensions to indulgence on the part of the claimant in the present cause, for a more gross abuse of public documents cannot well be conceived than is exhibited in the instance of this foreign clearance.

It may not be improper here to remark the absurdity of the application of the epithet *neutral* to these or any other waters in a similar situation; so far from being *neutral*, or belonging to *neither* power, by the claimant's own shewing they must be considered for the acomplishment of his purposes as wholly and altogether *British*. But although what is contended for on the part of the claimant would not render these waters *neutral*, it would nevertheless operate to the extent of making them to be *free ports* in the territories of both nations, in which the operation of all the laws of both countries would be completely annihilated; which is a state that it has hitherto required the act of the supreme legislature of a nation to create within its dominions.

Before I quit this part of the argument, I must again bring to the recollection of the court, that my whole reasoning upon the testimony in the cause has been predicated upon a sup-

position, for the sake of the argument, that the *possession* of Moose, Dudley, and Frederick Islands, the three islands in question, by the subjects of the United States, is equivalent to a *title* in the present discussion.

But when it is taken into consideration that these islands do *of right* belong to Great Britain in full property, and that the possession of them has been wrongfully taken and withheld by the subjects of the United States, the argument becomes infinitely stronger respecting the waters in question; for it would be an extravagent position, that a *wrongful* possession *de facto* of these islands should give a *constructive* possession *de jure* to the whole or to any part of these waters.

It remains now in some way to account for the agreement made by the custom-house officers of the two governments, and the foreign clearance, which have been disclosed in the testimony in this cause; in doing which, we must retrace the *plaister trade* to its origin, and consider its *magnitude* and *importance* at the present day.

It is well known that the mines or quarries of plaister of Paris in the uppper parts of the Bay of Fundy within the British provinces of Nova Scotia and New Brunswick are inexhaustible.

It is equally well known that it is now become almost an indispensable article in agriculture in all the United States to the westward and southward of Connecticut; barren and exhausted soils by the aid of this plaister, as a manure, become fertile and productive, and are so permanently improved by it, that many of the land-holders there have been known to say, that rather than be without it, they would give for it twenty dollars, and some go so far as to say, fifty dollars per ton.

From the first settlement of this province the British vessels here have been employed in carrying this article to part of the United States, where it has been in so great demand: for several years it commanded a very considerable price; ten or twelve years ago, it brought from ten to twelve dollars per ton in New-York and Philadelphia; and if *British subjects in British vessels were*, as they ought to be, *the sole carriers of it* to the places of its consumption, it would, without doubt, prove a source of wealth to those provinces, of encouragement to their settlement, and to their commercial and maritime concerns, and conse-

sequently become important to the interests of the British empire.

It is ascertained that in the year 1791, the plaister trade had not commenced at Passamaquoddy; even so lately as in the year 1794, only about 100 tons of this article were imported from the upper parts of the Bay of Fundy to Campo-Bello; in the year 1795 about 250 tons: from that time to this it has been gradually increasing, and the average is now, from the best information that can be had upon the subject, very little, if at all, short of 14,000 tons per annum.

It appears from the testimony of the clerk of the British custom-house at Passamaquoddy, "that during the present "year there have been imported into Passamaquoddy from "Nova-Scotia, about 10,000 tons in fifty vessels by com- "putation from the custom-house books in his possession," and we know that there was a considerable suspension of this trade in the course of the summer, occasioned by a fear of impressment from his majesty's sloop of war, the Busy, which was for some time stationary there.

From a correct account kept in the year 1802, it appears that from the 20th of March, to the 20th of December in that year, there were 13,155 tons thus imported, and that there were several other vessels so importing it in that year not included in that account; from whence there is good reason to believe that the annual average does not fall much short of 14,000 tons.

A respectable witness on the part of the claimant, states, "that he thinks the *great demand* has been the cause why "the plaister is not now landed at Campo-Bello, as the "British vessels have now the opportunity of loading "the American vessels in the stream;" so that it appears on all hands that this is a very increasing trade.

We know that many British vessels from this port of St. John are constantly employed in carrying great quantities of plaister to the places of its consumption in the United States, probably not less annually, at a very moderate computation, than 10,000 tons; but the owners of these vessels complain, that unless the traffic in this article so extensively carried on in the manner above described at Passamaquoddy is put a stop to, *they must dispose of their vessels and quit the trade*; and the reasons are, that the

American vessels are navigated at so much less expence than the British; that the small British coasting vessels employed in carrying the plaister to Passamaquoddy are suffered in the manner that has been stated by Mr. Delesdernier, to discharge their cargoes into American vessels, without paying the tonnage and light duty, which all the British vessels carrying the plaister to *any other part* of the United States are subject to, amounting to one dollar per ton; and lastly, that the American vessels are suffered in the same place in the waters in question, to lade their cargoes on board from British vessels, *giving contraband articles in exchange*, in open violation of the navigation act and the other British laws of trade.

If this practice be authorised by the government of the United States, and *the foreign clearance* in question be dictated by that government, it is only to be accounted for upon one principle, namely, that of procuring a foreign article of indispensable use in that country at a reduced price, and securing to its subjects the carrying trade in this instance, objects in comparison with which the tonnage and light duty are a trifling sacrifice.

Before the plaister trade in question commenced at Passamaquoddy, when its utility was not generally known in the United States, and the demand for it was comparatively small, this article was sold by the British vessels carrying it to New-York and Philadelphia, from 10 to 12 dollars per ton; it is now sold from $6\frac{1}{2}$ to $7\frac{1}{2}$ dollars per ton in those places, which makes a difference in the price of the article of 4 dollars per ton at the American market, besides yielding to American vessels the *carriage of two-thirds* of the quantity consumed.

If we suppose then 25,000 tons of this article in the whole to be annually imported into the United States, directly or indirectly from these provinces, which is *a very moderate estimate*, and probably much less than the quantity really so imported, there is a loss of 100,000 dollars per annum in the price of the article, exclusively of the other considerations above alluded to.

There is no doubt entertained by those who are most conversant and best acquainted with the subject, that instead of 25,000, the quantity of plaister annually imported into the United States from the British provinces, is very little if at all short of 50,000 tons, and that his majesty's subjects

in these provinces suffer a direct loss, in the price of the article only, of 200,000 dollars annually by this illicit traffic.

One circumstance within the knowledge of every one conversant in this trade, is, that if it happen in the spring of the year that there is no plaister at Campo-Bello in readiness for the American vessels, it immediately commands an extra price of three dollars per ton by the British vessels first carrying it to New-York and Philadelphia at such seasons; and even in the short interruption of this trade during the last summer, occasioned by his majesty's sloop of war, the Busy, being at Passamaquoddy, *which deterred the British coasters from carrying the plaister during that time*, from the fear of having their hands impressed; the British vessels carrying it to the States at once obtained an advance of one dollar per ton in the price; from which we may fairly conclude, if a stop were altogether put to this illegal trade, and the carriage of this article confined, as it ought to be, to British vessels, that not only a standing advance would be obtained in the price, of from 4 to 5 dollars per ton, but that a considerable proportion of it would be paid *for in cash*, and thereby the continual drain of *specie* from the province prevented, the inconveniences of which have of late been so sensibly felt.

But these are by no means the greatest inconveniences resulting from this trade; by the mode of carrying it on, if it be legal, as contended for by the claimant, a door is opened for the admission into these provinces, through this channel, of *foreign brandies, spirits, teas, and every other article of prohibited commerce*, to the ruin of the fair British merchant and trader.

How easy is it, I speak not without foundation on the subject, for any one concerned in this trade residing upon the island of Campo-Bello, or in any neighbouring part of the British territory, having once purchased a few chests of tea, and a few casks of spirits, that have been legally imported into these provinces with their appropriate marks upon them, to have them filled and replenished with the same commodities from these American vessels for years together, without a possibility of detection?

How many other ways are there of distributing these and other prohibited articles to all the inhabitants of these provinces upon the Bay of Fundy, the legality of such an

interchange of cargoes between British and American vessels, as is now insisted upon being once admitted?

The *plaister trade* may be said to be yet *in its infancy*, and *the demand for it daily increasing*. This article seems to be, among others, one of those bounteous gifts of Heaven to this country, calculated to encourage its settlement, promote its interests, and increase its consequence, if the advantages to be derived from it are duly attended to and secured.—*The existing laws*, I humbly conceive, are sufficient for the purpose, *if properly enforced;* but should I be mistaken in this, I hope that the discussion of this cause will give rise to other regulations from competent authority, which will enable us fully to avail ourselves of a source of prosperity, which promises ere long to be incalculable in its extent and beneficial consequences.

I mean not however to urge these as considerations to the court in pronouncing its decree in this cause, if the law be not with me;—but if I am warranted in the principles I have endeavoured to establish, and the deductions I have drawn from those principles, it is just and fair to enforce my argument, by stating the mischiefs and inconveniences that would result from the establishment of the claim now before the court.

Well might this trade be thought an object of sufficient magnitude to merit the attention of the general assembly of the province; the same view of the subject and the same reasons which I here humbly submit to the consideration of the court, induced them to apply for the most effectual means of annihilating this trade by an act of parliament, to prevent the *landing of plaister* of Paris exported from these provinces, in any part of the United States, *to the northward and eastward of Portland*, in the state of Massachusetts, though it is much to be doubted whether any place to be named for this purpose to the northward and eastward of Connecticut river would prove an effectual remedy for the evils complained of.

I come now to the point of the cause from which I set out, namely, the charge in the libel, that the cargo of the sloop Falmouth, now under prosecution, was *laden* on board the said sloop *in the county of Charlotte*, in the province of New-Brunswick, and within the jurisdiction of this honourable court on the 22d of October last, the same sloop being a

foreign built vessel, not owned by his majesty's subjects nor navigated according to law.

That the sloop is not British, but foreign built, and owned and navigated by foreigners, is admitted on all hands.

The only remaining question then is, whether this cargo was laden on board the sloop within this province.

I might possibly be justified in insisting that the claimant can no longer be permitted to controvert this fact, having submitted to the jurisdiction of the court; and that he should have availed himself of this ground of defence by a plea in abatement to its jurisdiction; for this court can have no jurisdiction of this cause unless the offence charged has been committed within the limits of this province; but waving this, I will briefly recapitulate the evidence there is in the cause of this fact.—It has then been shewn,

1. That all the islands between which the waters flow, in which the sloop was laden, belong to Great-Britain, as a part of the ancient province of Nova-Scotia, and as such expressly reserved by the treaty of 1783.

2. That the king's charter, erecting and establishing the county of Charlotte, and the act of the general assembly of the province for dividing this county into towns and parishes, have confirmed this fact by expressly including all these islands within this county, and within the parish of West Isles in the same county.

3. That if the right to these islands can be in any manner affected by the declaration of the commissioners under the 5th article of the treaty of amity, commerce and navigation, respecting the mouth of the river St. Croix (which I have endeavoured to shew it cannot be), this declaration confirms and establishes this right in Great-Britain.

4. That not only all these islands belong to Great-Britain, but that of necessary consequence the waters in question flowing between them also belong to Great-Britain.

5. The admitting, for the sake of argument, the possession which has been taken by the subjects of the United States of three of these islands, to wit, Moose Island, Dudley Island, Frederick Island, to be equivalent to a title to these islands in the United States, nevertheless, by the established principles of the law of nations, even in that case they can claim no right to any part of these waters beyond the middle line between Dudley Island and Moose

Island, in their possession on the one side, and Campo-Bello Island in the possession of Great-Britain, on the other.

6. That even this claim by the same principles can extend to a right of water-way or navigation only, and not to a right of carrying on trade with British subjects and their vessels in those waters.

7. That admitting even that the United States have a right to trade in this manner as well as to navigate on their side of such middle line, it is proved by all the testimony in the cause, that the sloop in question was clearly on the British side of such middle line, and therefore without the protection of the law.

Presuming then that the court will be of opinion that the cargo of the sloop Falmouth was *laden* on board, *within the limits of this province.*

No doubt can remain, that this is an offence not only against the laws upon which the prosecution is more immediately founded, but against various other British acts of trade, and against the express provisions of the third article of the treaty of amity, commerce and navigation, between Great Britain and the United States.

To make a question whether this court will on the one hand consider itself as bound by these laws, or on the other by its decree sanction and legalize the custom and agreement relied upon by the claimant, and indeed his only ground of defence, by which not only these laws, but the laws of the United States are set at defiance, would be an insult which decency forbids me to offer.

[*The counsel for the Claimant having been fully heard, and the cause closed on the part of the prosecution, his worship* WILLIAM BOTSFORD, *esq. judge of the court, pronounced his decree as follows.*].

Judgment.

This is the case of the sloop FALMOUTH, an American and foreign vessel, owned and navigated by citizens of the United States of America, seized by GEORGE LEONARD, esq. superintendant of trade and fisheries in North-America, and a preventive officer in the service of his majesty's customs, for taking in a load of plaister of Paris at Snug-Cove, in the county of Charlotte and province of New Brunswick, contrary to the provisions and meaning of the statute of 7 & 8 W. 3. c. 22. and by him libelled in this court.

A claim has been put in by EBENEZER LOCK, the late master, in behalf of himself and others, protesting against the right of Mr. LEONARD to make the seizure, and alledging that the said vessel was laden, either within the territories of the United States, or in waters held neutral between Great-Britain and the United States.

The objection to Mr. LEONARD's right to make the seizure having been over-ruled by the court, the merits of the cause have been very elaborately and ably discussed both on the part of the libellant and claimant.

It now devolves on me to give my opinion; in doing which, I cannot but acknowledge, that I feel a painful solicitude. This is a cause that has arisen from the conterminous situation of the waters that divide this province from the United States, and involves a territorial claim, of course important; a cause of some expectation, and in its consequences highly interesting. Whatever may be the peculiar hardships that will attend the decision of the cause, however innocent may have been the intentions of the claimant, they cannot have any influence with the court; for to inclinations and feelings the court has no power to give way. If I err in my opinion, I have the consolation, that my intentions are just; and that the sentence of this court is not final, as an appeal lies to another tribunal, where the error can and will be rectified.

It is admitted that the sloop is an American vessel, owned and navigated by citizens of the United States; of course a foreign vessel, owned and navigated by foreigners. The question then arises, can such foreign vessel enter any of the ports or harbours of this province, being one of his majesty's British North American colonies, and carry on commerce in the same? It is acknowledged that every nation has a right to make whatever commercial regulations it may think proper, and in the exercise of this right Great-Britain has thought fit to assume to herself the monopoly of the trade of her colonies; for this express purpose several statutes have been passed, in which the legislature seems to have had this object constantly in view. By the statute of 12 Car. 2. c. 18. otherwise called the navigation act, the palladium of British commerce, which, to use the words of *Adam Smith* in his inquiry into the cause of the wealth of nations, "is perhaps the wisest of all the commercial regu-"lations of England," all ships of which the owners, mas-

ters, and three-fourths of the mariners are not British subjects, are prohibited, upon pain of forfeiting ship and cargo, from trading to the British settlements and plantations in Asia, Africa, or America. By this act England first established the monopoly of her colonial trade, since which farther provisions have been made by the statutes of 15 Car. 2. c. 7. and 7 & 8 W. 3. c. 22. By these statutes therefore all foreign vessels are prohibited from trading within this province of New-Brunswick, being one of his majesty's provinces in British North-America.

The United States then having no right by virtue of these statutes to trade with this province; it will next be inquired, whether they can derive such right from any treaty or convention with Great-Britain. Vattel says, "a nation not "having naturally a perfect right to carry on a commerce "with another, may procure it by an agreement or treaty. "This right is then acquired only by treaties, and relates "to that branch of the law of nations termed conven- "tional; the treaty that gives the right of commerce, is "the measure and rule of that right." By the treaty of peace the United States most certainly were not allowed to carry on any trade with the British colonies; and although by the treaty of amity, commerce, and navigation, between his majesty and the United States, regulations were made for governing the trade between the United States and his majesty's dominions in Europe, and the British possessions in the East and West-Indies, and also, "the *inland navigation* between the territories and countries of the two par- "ties on the continent of America;" yet no provision was made by which the citizens of the United States are permitted to trade with this province, or their vessels admitted into the sea-ports, bays, or creeks of his majesty's North American territories, or into any of the rivers below the highest port of entry from the sea. It is evident, therefore, that they have not naturally a right to the trade now in question; and that they do not derive such right by treaty or compact, provided the same has been carried on within the limits of this province. This therefore leads me to inquire into the boundary line between this province and the United States, the great point in the cause. If the uniform principle that has governed the parent state has been to exclude all foreigners from her colonies, in order that she might assume the monopoly of the colonial trade; is it to be pre-

Vattel, b. c. 2. §. 93.

sumed that she would allow the limits of this province to remain so indefinite and undetermined as to admit foreign vessels within its ports, and permit them to carry on a commerce in direct violation of the navigation act, and the other laws of trade?

Whatever may be my private opinion with regard to the exclusive right of Great-Britain to the islands lying in Passamaquoddy-Bay, so called, and now in the possession of the United States, it cannot have any weight in this cause. I must be governed by the facts which exist. By referring to the charts, which by consent have been used in explanation of the arguments in the cause, I find, after leaving the mouth of the Scoodiac, or St. Croix at Joe's Point, as determined* by the commissioners under the fifth article of the treaty of amity, commerce, and navigation, a passage through which the main waters of the river are said to flow, and by which they are discharged into the Bay of Fundy. This passage or channel is formed on the eastern side, by Deer, Marvel, and Campo-Bello Islands, and on the western side by Moose, Dudley, and Frederick Islands, and in some places by the continent. This province claims and exercises jurisdiction over the islands forming the eastern side of the channel; which islands are in the possession of his majesty's subjects, inhabitants of the province of New-Brunswick. The citizens of the United States are in possession of Moose-Island, Dudley-Island, and Frederick-Island, over which the United States claim and exercise undisturbed jurisdiction. I know of no public act of our government from which I can infer its denial of the jurisdiction exercised by the United States over the islands on the western side of the channel, or a disavowal of the right claimed by them to the same; I am therefore to consider this passage or channel as conterminous, and dividing this province from the United States. The question then, to whom does this channel or passage belong? must be referred to the general law of nations, and for its decision we must have recourse to the principles laid down by the most able and distinguished writers on the subject.

Martens b. 4. §. 4. "Every nation," says MARTENS, "has a right to property and dominion as far as the middle of all the lakes "and rivers that are situated on its frontiers, at least till "the contrary has been proved, or till another decision has "been agreed upon."

* See Appendix, No. II.

PUFFENDORFF says, that "the gulphs and channels, or arms of the sea, are, according to the regular course, supposed to belong to the people with whose lands they are encompassed; but in case different nations border on the same channel, the sovereignty of each shall be conceived to reach into the middle of the water from every part of the respective shore, unless either all the estates have agreed by covenant to use the whole water promiscuously among themselves, and to exercise a general undivided sovereignty over it against foreigners, or else if one particular people has obtained a dominion over the whole by pact or the tacit confession of the rest, or by the right of conquest, or because they fixed their station near it, and immediately took it in full possession, exercising acts of sovereignty over the people of the opposite shore; in which latter case nevertheless, the other neighbouring states, their fellow borderers, shall be supposed to be lords each of their particular ports, and of so much of the sea as the convenient access to the shore requires." Puffendorff, b. 4. c. 4. §. 8.

GROTIUS says, "though, in case of any doubt, the jurisdiction on each side reach to the middle of the river, yet it may be, and in some places it has actually happened that the river wholly belongs to one party, either because the other nation has not got possession of the other bank till later, and when their neighbours were already in complete possession of the whole river, or else because matters were so stipulated by treaty." Grotius, b. 2. c. 3. §. 13.

VATTEL says, "that of two nations inhabiting the opposite banks of the river, if neither party can prove that they themselves or those whose rights they inherit were the first settlers in those tracts, it is to be supposed that both nations came there at the same time, since neither of them can give any reason for claiming the preference; and in this case, the dominion of each will extend to the middle of the river." Vattel, b. 1. c. 22. §. 266.

From these writers we derive this general rule of the law of nations, that when two neighbouring nations inhabit the opposite banks of a river, the dominion of each will extend to the middle of the stream. There are some exceptions to this general rule: but do these exceptions prevent its application to the passage, which is part of the boundary line between this province and the United States? certainly not in favour of the American government. The inhabitants of

these states, when they formed a part of the British empire, had a right in common with his majesty's subjects, to navigate the waters now under consideration; but this power did not give them an exclusive possession, nor did they thereby acquire dominion over the whole. The mother country in acknowledging the independence of her revolted colonies, had a right to prescribe their limits; in doing which, she was bound to consult the interest and preservation of that part of her empire, which continued in its allegiance. The province of Nova-Scotia adhered to the cause of the mother country; the western limits therefore of that province, it is presumed, were by the treaty of peace made the eastern boundary of the United States; and the exception in the treaty of such islands, as before or at the time of the treaty of peace were within the limits of the province of Nova-Scotia, strengthens this presumption. By these limits, therefore, must the United States be governed. That they considered Deer, Marvel, and Campo-Bello Islands as once forming a part of the province of Nova-Scotia, and that they do now consider them as being within the jurisdiction of this province of New-Brunswick, is evident, from their allowing his majesty's subjects to remain in the undisturbed possession of them. To place this question, therefore, on the broadest ground, and in the most favourable point of view for the citizens of the United States, I will consider them, the moment their independence was acknowledged by the mother country, in the character of a sovereign people, and in the possession of the western side of the channel now in dispute; that his majesty's subjects were in the possession of the eastern side; and that neither possessed an exclusive right to the waters of the same. The application of the general rule of the law of nations to this case then will lead me to conclude, that the boundary line between this province and the United States is a line to be drawn through the middle of the channel that divides them, and to which the jurisdiction of each will extend. I am strongly confirmed in this conclusion * by that part of the description of the boundary of the United States, in the second article of the treaty of peace, which says, "East by a line to be drawn along the middle of the "river St. Croix," &c. The commissioners, who made

* Sed quere, vide Appendix, No. I.

the treaty, appear to have adopted the same rule that governs the decision of this court.

It has been urged that the west passage lying between Campo-Bello and Dudley and Frederick Islands, is unfit for the navigation of vessels of any burthen, as a bar extends across it in one place, over which at low water there are about four feet of water only; and as the principal channel from the Bay of Fundy into the river St. Croix lies to the eastward of Campo-Bello, it has from thence been inferred, that the waters to the westward of such channel, or lying between Campo-Bello and Dudley and Frederick Islands, are wholly within and belong to the United States; or that they are the waters of the river forming the boundary between his majesty's dominions and the United States, and as such neutral as they are termed, and common to both nations. It appears in evidence, that the west passage is a considerable channel at high water, at which time there are twenty feet of water on the bar; that a ship of 300 tons burthen has passed through it; and that it is the passage principally made use of by the American vessels. But allowing that the passage to the eastward of Campo-Bello is the principal channel into the St. Croix, and more fit for navigation than the west passage, and that Great-Britain should admit the American vessels to the free navigation of it; would such admission convey the dominion of the passage to the United States, and with it, a right to the whole of the west passage, and the waters lying between Campo-Bello and Dudley and Frederick Islands? With equal propriety it might be said, that Denmark cedes the dominion of the Sound, by permitting the vessels of other nations to pass through it; or that Turkey yields the sovereignty of the Dardanelles, when she allows the ships of Great-Britain or Russia to pass the same. The west passage is one of the channels into the St. Croix, and is a part of the boundary between this province and the United States, to the middle of which I conceive that the jurisdiction of each must extend; of course the waters cannot be common for any other purposes than those of navigation.

I come now to the evidence adduced in this cause, which was very voluminous; and I shall only touch upon those points, which appear the most material.—It appears that about six years ago *an agreement was made between the deputy of the custom-house officers for this port* of St. John,

and the American collector, that the waters between Campo-Bello Island and Dudley Island, or, in other words, those waters that lie within two lines commencing at the American custom-house (which is situated on the American side of the west passage), the one ranging from thence with the heads or points of land that form Snug Cove on the Campo-Bello shore, the other with the outmost heads or points of land on the American shore, should be considered neutral as they are termed, or common to the vessels of both nations, in which they might lade or unlade their cargoes, and that this agreement was assented to by the officers of his majesty's customs for this port, by virtue of which agreement the American vessels have been accustomed to anchor off Snug Cove, and take in their cargoes from British vessels lying in the stream. That previously to the American vessels taking in their cargoes, they obtain a foreign clearance for St. Andrews, a place within the jurisdiction of this province, from the American custom-house; and that the British vessels, which arrive at Campo-Bello from the upper parts of the Bay of Fundy, laden with plaister, report at the British custom-house kept at Snug Cove by the clerk of the deputy collector.

As to the situation of the sloop at the time she was seized, it appears by the mate and two of the hands of the cutter, who were present at the time, that she was lying at anchor within a line drawn from Friar's head and the south-west head, the two heads or points of lands which form Snug Cove, of course within the cove. Some remarks have been made as to the credit of these witnesses; I cannot but observe that their testimony stands fair before the court, and is corroborated by one of the witnesses produced on the part of the claimant, who says, that sometimes the sloop swang within the British lines, at other times within the American bounds; one of the hands belonging to the sloop also says, that she was lying rather within the British line when she was seized. It might not have been the intention of the claimant to have anchored his vessel within Snug Cove; I do not think that it was, but the place where the vessel came to, and from which she was not moved until after she was seized, was so near the line extending from Friar's head to the south-west head, that I have no doubt with the scope of cable some of the witnesses say the vessel had out, she sometimes tended with the wind or tide over the neutral line as it

is termed, and within the outermost heads of Snug Cove. This is not material; the question is, was she on the British side of the line running through the middle of the stream? When the witnesses of the claimant speak of the place where the sloop came to anchor and was seized, they mention uniformly her situation as relative to Campo-Bello Island; that she was at the mouth—off the chops—and was lying off of Snug Cove. She is invariably mentioned as being nearer to Campo-Bello than to Dudley Island; some say one-third nearer, others about one hundred rods from the shore of Snug Cove. By the charts before the court it appears that the distance from Campo-Bello Island to Dudley Island, is about three quarters of a mile; and from the whole of the testimony it evidently appears, that the sloop took in her cargo, and was lying when seized near the Campo-Bello shore, and within the British waters. I cannot but observe here, that the line which was at first established by the British custom-house officers for this port and the American collector as the limit of the neutral or common waters on the Campo-Bello side, has, by some of the witnesses, been considered *as the boundary of the British and American waters*, and that those to the westward of this line belong to the United States; such has been the effect of the American vessels being allowed to take in their cargoes in the waters near the Campo-Bello shore.—I shall now consider a paper which was found on board the sloop, termed a foreign clearance, and obtained as is stated in the claim for the purpose of enabling the said sloop to proceed off Snug Cove, there to anchor in the stream, and take in her cargo from vessels also lying there. This clearance expressly mentions the sloop Falmouth, as "bound for St. Andrews," a place evidently within the jurisdiction of this province, and where she could not be permitted to enter. It has been argued that this paper was obtained to enable the vessel to a re-entry in the ports of the United States, as plaister of Paris is an article of foreign growth; and that all the American vessels which take their lading out of British vessels lying in these neutral waters obtain such foreign clearances. These vessels, at the time of their lading, must either be within the American territories or without; if they are within, the effect of their clearances is to defraud their own government, by depriving it of the tonnage duty, which the British vessels would be obliged to pay, before they could be allowed to unlade their plaister; for if it

was duly imported, it would not be necessary to procure the foreign clearance to entitle them to a re-entry in the ports of the United States; if without the limits of the United States, they must be within the British waters. I cannot suppose that the American collector would be guilty of a fraud against the revenue of his country; and am therefore to conclude that by this foreign clearance, obtained from the American custom-house, in which the destination of the vessel is mentioned, she was considered as being bound into waters foreign to the United States. By viewing the clearance in this light it is a confirmation of the testimony in the cause, and carries with it a conviction, that the sloop when seized was within the British waters, and that the foreign clearance was obtained to enable her to go there. *As to the agreement between the custom-house officers* for this port of St. John, and the *American* collector, by which the waters between Campo-Bello Island and Dudley Island were considered free and common for the vessels of both nations to lade and unlade in, *I am clear that no such agreement can be binding on this court.*—When the officers of his majesty's customs assented to this, they considered the boundary line between this province and the United States as undetermined; and I have no doubt they were actuated by the most honourable motives, and supposed themselves as acting within the strict line of their duty.—It has been contended that this is a case of extreme hardship, that the intentions of the claimant were innocent, *that he was pursuing a course of trade that had for some years past received the sanction of the British custom-house officers,* and that a great many American vessels had been allowed to take in their cargoes at the place where this vessel was seized.—But are the circumstances of this case so peculiarly hard as to authorise the court to depart from the law, when those in the case of the *Hoop, Cornelis, Master,* 1 *Rob.* 196, would not? In that case the parties acted under the advice of the commissioners of the customs at Glasgow, who previously to their giving such advice had consulted their own law advisers; in giving the sentence of the court, Sir William Scott says, "It appears that these parties "had before applied to the council for special orders, and "had always obtained them. It is much to be regretted "that they had not applied again to the same source of in- "formation; instead of doing so they consulted the com- "missioners of the customs, very proper judges to ascertain

" what goods might be imported under the revenue laws; but " this is a matter of general law, on which they are not the " persons best qualified to give information or advice. The " intention of the parties might be perfectly innocent; but " there is still the fact against them of that actual contraven- " tion of the law, which no innocence of intention can do " away. I may feel greatly for the individuals who, I have " reason to presume, acted ignorantly under advice that they " thought safe; but the court has no power to depart from " the law which has been laid down." The *British custom-house officers* in assenting to the line of the neutral or common waters on the Campo-Bello side, *exceeded their authority* as officers of the customs, by determining a matter of general law.

There is another principle of law, which I think applicable to the present case, recognised by Lord Mansfield, in the case of *Berens* v. *Rucker*. 1 *Black*. 313, in which he says, " The " first question is, whether this was a just capture. Both " sentences are out of the case, being done and undone by " consent. The capture was certainly unjust; the pretence " was, that part of this cargo was put on board off St. Eustatias " out of Barks supposed to come from the French Islands, and " not loaded immediately from the shore; this is now a settled " point by the lords of appeal to be the same thing, as if they " had been landed on the Dutch shore, and then put on " board afterwards." It is admitted that the sloop Falmouth took in her cargo off Snug Cove out of two British vessels lying in the stream. These vessels, it appears, came from the upper parts of the bay of Fundy, laden with plaister, arrived at Campo-Bello, and of course must be presumed to have entered at the custom-house at Snug Cove. As these vessels were lying on the Campo-Bello side, they must have been within the British waters; and agreeably to the law as settled by the laws of appeal, the taking on board her cargo out of the vessels lying in the stream, amounts to the same thing as if it had been taken on board from the shore, and is a direct violation of the Navigation Act.

I am therefore of opinion, that the sloop Falmouth was *laden* within the British waters in contravention of the Navigation Act, and the statute of 7 and 8. W. 3. c. 22, and therefore decree the vessel and cargo to be forfeited;—but considering the particular circumstances of the present case, I shall dismiss the claim without costs.

No. I. (B.)

The Definitive Treaty of PEACE and FRIENDSHIP between His *Britannick* Majesty, and the *United States* of *America*. Signed at *Paris*, the 3d of *September*, 1783.

In the Name of the Most Holy and Undivided Trinity.

IT having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince, *George* the Third, by the Grace of God, King of *Great Britain*, *France*, and *Ireland*, Defender of the Faith, Duke of *Brunswick* and *Lunenburgh*, arch-treasurer and prince elector of the holy *Roman* empire, &c. and of the *United States* of *America*, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles signed at *Paris*, on the 30th of *November*, 1782, by the commissioners empowered on each part; which articles were agreed to be inserted in, and to constitute, the treaty of peace, proposed to be concluded between the crown of *Great Britain* and the said *United States*, but which treaty was not to be concluded until terms of peace should be agreed upon between *Great Britain* and *France*, and his *Britannick* majesty should be ready to conclude such treaty accordingly; and the treaty between *Great Britain* and *France* having since been concluded, his *Britannick* majesty and the *United States* of *America*, in order to carry into full effect the provisional articles above-mentioned, according to the tenor thereof, have constituted and appointed, that is to say, his *Britannick* majesty, on his part, *David Hartley*, esq. member of the parliament of *Great Britain*; and the said *United States*, on their part, *John Adams*, esq. late a commissioner of the *United States* of *America* at the court of *Versailles*, late delegate in congress from the state of *Massachusetts*, and chief justice of the said State, and minister plenipotentiary of the said *United States* to their high mightinesses the states general of the *United Netherlands*; *Benjamin Franklin*, esq. late delegate in congress from the state of *Pennsylvania*, president of the convention of the said state, and minister plenipotentiary from the *United States* of *America* at the court of *Versailles*; *John Jay*, esq. late president of congress, and chief justice of the state of *New York*, and minister plenipotentiary from the said *United States* at the court of *Madrid*; to be the plenipotentiaries for the concluding and signing the present definitive treaty: Who, after having recipro-

cally communicated their respective full powers, have agreed upon and confirmed the following articles:

Article I.

His *Britannick* majesty acknowledges the said *United States*, viz. *New Hampshire*, *Massachusets Bay*, *Rhode Island* and *Providence Plantations*, *Connecticut*, *New York*, *New Jersey*, *Pennsylvania*, *Delaware*, *Maryland*, *Virginia*, *North Carolina*, *South Carolina*, and *Georgia*, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof.

Article II.

And that all disputes which might arise in future on the subject of the boundaries of the said *United States* may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, *viz.* from the north-west angle of *Nova Scotia*, viz. that angle which is formed by a line drawn due north, from the source of *St. Croix* river to the *Highlands*, along the said *Highlands* which divide those rivers that empty themselves into the river *St. Lawrence*, from those which fall into the *Atlantic* Ocean, to the north-westermost head of *Connecticut* river; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude until it strikes the river *Iroquois* or *Cataraquy*; thence along the middle of said river into lake *Ontario*; through the middle of said lake, until it strikes the communication by water between that lake and lake *Erie*; thence along the middle of said communication into lake *Erie*; through the middle of said lake until it arrives at the water-communication between that lake and lake *Huron*; thence along the middle of said water-communication into the lake *Huron*; thence through the middle of said lake to the water-communication between that lake and lake *Superior*; thence through lake *Superior*, northward of the *Isles Royal* and *Phelipeaux*, to the *Long Lake*; thence through the middle of said *Long Lake*, and the water-communication between it and the *lake of the woods*, to the said *lake of the woods*; thence through the said lake to the most north-western point thereof, and from thence on a due west course to the river *Mississippi*; thence by a line to be drawn along the middle of the said river *Mississippi*, until it shall intersect the northernmost part of the thirty-first degree of north latitude:—South, by a line to be drawn due east from the determination of the line last-mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river *Apalachicola* or *Catahouche*; thence along the middle thereof to its junction with the *Flint* river; thence straight to the head of *St. Mary's* river, and thence down along the middle of *St. Mary's* river to the *Atlantic* Ocean:—East, by a line to be drawn along the middle of the river *St. Croix*, from its mouth in the bay of *Fundy* to its source; and from its source directly north to the aforesaid *Highlands*, which divide the rivers that fall into the *Atlantic* Ocean from those which fall into the river *St. Lawrence*;

comprehending all Islands within twenty leagues of any part of the shores of the *United States*, and lying between lines to be drawn due east from the points where the aforesaid boundaries between *Nova Scotia* on the one part, and *East Florida* on the other, shall respectively touch the bay of *Fundy*, and the *Atlantic* Ocean; excepting such Islands as now are, or heretofore have been, within the limits of the said province of *Nova Scotia*.

Article III.

It is agreed, That the people of the *United States* shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of *Newfoundland*: also in the gulph of *St. Lawrence*, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the *United States* shall have liberty to take fish of every kind on such part of the coast of *Newfoundland* as *British* fisherman shall use, (but not to dry or cure the same on that Island) and also on the coasts, bays, and creeks of all other of his *Britannick* majesty's dominions in *America*; and that the *American* fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of *Nova Scotia*, *Magdalen Islands*, and *Labrador*, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

Article IV.

It is agreed, That creditors on either side shall meet with no lawful impediments to the recovery of the full value in sterling money of all *bonâ fide* debts heretofore contracted.

Article V.

It is agreed, That the congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties which have been confiscated, belonging to real *British* subjects: and also of the estates, rights, and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said *United States*: and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen *United States*, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated: and that congress shall also earnestly recommend to the several states, a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that congress shall also earnestly recommend to the several states, that the estates, rights, and properties of such last-mentioned persons shall be restored to them, they refunding

to any persons who may be now in possession the *bonâ fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties since the confiscation.

And it is agreed, That all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI.

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage either in his person, liberty, or property; and that those who may be in confinement on such charges at the time of the ratification of the treaty in *America* shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ARTICLE VII.

There shall be a firm and perpetual peace between his *Britannick* majesty and the said *States*, and between the subjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall from henceforth cease: all prisoners on both sides shall be set at liberty, and his *Britannick* majesty shall with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the *American* inhabitants, withdraw all his armies, garrisons and fleets from the said *United States*, and from every port, place, and harbour within the same; leaving in all fortifications the *American* artillery that may be therein: and shall also order and cause all archives, records, deeds, and papers belonging to any of the said *States*, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

ARTICLE VIII.

The navigation of the river *Mississippi*, from its source to the ocean, shall for ever remain free and open to the subjects of *Great Britain*, and the citizens of the *United States*.

ARTICLE IX.

In case it should so happen that any place or territory belonging to *Great Britain*, or to the *United States*, should have been conquered by the arms of either, from the other, before the arrival of the said provisional articles in *America*, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

ARTICLE X.

The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in

the space of six months, or sooner, if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we, the undersigned, their ministers plenipotentiary, have in their name, and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at *Paris*, this third day of *September*, in the year of our Lord, one thousand seven hundred and eighty-three.

(L. S.) D. HARTLEY.

(L. S.) JOHN ADAMS.
(L. S.) B. FRANKLIN.
(L. S.) JOHN JAY.

His Britannic *Majesty's Full Power.*

GEORGE R.

GEORGE the third, by the grace of God, King of *Great Britain*, *France* and *Ireland*, Defender of the Faith, Duke of *Brunswick* and *Lunenburgh*, arch-treasurer and prince elector of the holy *Roman* empire, &c. To all to whom these presents shall come, greeting: whereas for the perfecting and establishing the peace, friendship, and good understanding, so happily commenced by the provisional articles, signed at *Paris* the thirtieth day of *November* last, by the commissioners of us and our good friends the *United States* of *America*, viz. *New Hampshire*, *Massachusets Bay*, *Rhode Island*, *Connecticut*, *New York*, *New Jersey*, *Pennsylvania*, the three lower counties on *Delaware*, *Maryland*, *Virginia*, *North Carolina*, *South Carolina*, and *Georgia*, in *North America*; and for opening, promoting, and rendering perpetual, the mutual intercourse of trade and commerce between our kingdoms and the dominions of the said United States, we have thought proper to invest some fit person with full powers, on our part, to meet and confer with the ministers of the said *United States*, now residing at *Paris*, duly authorized for the accomplishing of such laudable and salutary purposes; now know ye, that we reposing special trust and confidence in the wisdom, loyalty, diligence and circumspection of our trusty and well-beloved *David Hartley*, esq. (on whom we have therefore conferred the rank of our minister plenipotentiary) have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him our true, certain, and undoubted commissioner, procurator, and plenipotentiary; giving and granting to him all and all manner of faculty, power, and authority, together with general as well as special order (so as the general do not derogate from the special, nor on the contrary) for us, and in our name, to meet, confer, treat, and conclude with the minister or ministers furnished with sufficient powers, on the part of our said good friends the *United States* of *America*, of and concerning all such matters and things as may be requisite and necessary for accomplishing and completing the several facts and purposes herein before mentioned; and also for us, and in our name, to sign such treaty or

treaties, convention or conventions, or other instruments whatsoever, as may be agreed upon in the premises, and mutually to deliver and receive the same in exchange; and to do and perform all such other acts, matters and things, as may be any-ways proper and conducive to the purposes above mentioned, in as full and ample form and manner, and with the like validity and effect, as we ourself, if we were present, could do and perform the same: engaging and promising, on our royal word, that we will accept, ratify and confirm, in the most effectual manner, all such acts, matters and things, as shall be so transacted and concluded by our aforesaid commissioner, procurator and plenipotentiary; and that we will never suffer any person to violate the same, in the whole or in part, or to act contrary thereto. In testimony and confirmation of all which, we have caused our great seal of *Great Britain* to be affixed to these presents, signed with our royal hand. Given at our palace at *St. James's*, the fourteenth day of *May*, in the year of our Lord, one thousand seven hundred and eighty-three, and in the twenty-third year of our reign.

Full Power of the United States *of* America.

THE *United States* of *America*, in congress assembled, to all to whom these presents shall come, greeting: Whereas these *United States*, from a sincere desire of putting an end to the hostilities between his most *Christian* majesty and these *United States* on the one part, and his *Britannick* majesty on the other, and of terminating the same by a peace, founded on such solid and equitable principles as reasonably to promise a permanence of the blessings of tranquillity, did heretofore appoint the honourable *John Adams*, late a commissioner of the *United States* of *America* at the court of *Versailles*, late delegate in congress from the state of *Massachusets*, and chief justice of the said state, their minister plenipotentiary, with full powers, general and special, to act in that quality, to confer, treat, agree, and conclude with the ambassadors or plenipotentiaries of his most *Christian* majesty, and of his *Britannick* majesty, and those of any other princes or states whom it might concern, relating to the re-establishment of peace and friendship; and whereas the flames of war have since that time been extended, and other nations and states involved therein: Now know ye, that we still continue earnestly desirous, as far as depends upon us, to put a stop to the effusion of blood; and to convince the powers of *Europe* that we wish for nothing more ardently than to terminate the war by a safe and honourable peace, have thought proper to renew the powers formerly given to the said *John Adams*, and to join four other persons in commission with him; and having full confidence in the integrity, prudence and ability of the honourable *Benjamin Franklin*, our minister plenipotentairy at the court of *Versailles*, and the honorable *John Jay*, late president of congress, and chief justice of the state of *New York*, and our minister plenipotentiary at the court of *Madrid*; and the honourable *Henry Laurens*, formerly president of congress, and commissionated and sent as our agent to the United Provinces of the Low Countries; and the honourable *Thomas*

Jefferson, governor of the commonwealth of *Virginia*; have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint, the said *Benjamin Franklin*, *John Jay*, *Henry Laurens*, and *Thomas Jefferson*, in addition to the said *John Adams*, giving and granting to them the said *John Adams*, *Benjamin Franklin*, *John Jay*, *Henry Laurens*, and *Thomas Jefferson*, or the majority of them, or of such of them as may assemble; or, in case of the death, absence, indisposition, or other impediment of the others, to any one of them full power and authority, general and special, conjunctly and separately, and general and special command, to repair to such place as may be fixed upon for opening negociations for peace; and there for us, and in our name, to confer, treat, agree, and conclude with the ambassadors, commissioners and plenipotentiaries of the princes and states whom it may concern, vested with equal powers, relating to the establishment of peace; and whatsoever shall be agreed and concluded, for us and in our name, to sign, and thereupon make a treaty or treaties; and to transact every thing that may be necessary for completing, securing and strengthening the great work of pacification, in as ample form, and with the same effect, as if we were personally present, and acted therein; hereby promising, in good faith, that we will accept, ratify, fulfil, and execute whatever shall be agreed, concluded, and signed by our said ministers plenipotentiary, or a majority of them, or of such of them as may assemble; or, in case of the death, absence, indisposition, or other impediment of the others, by any one of them; and that we will never act, nor suffer any person to act, contrary to the same, in whole, or in any part. In witness whereof we have caused these presents to be signed by our president, and sealed with his seal.

Done at *Philadelphia*, the fifteenth day of *June*, in the year of our Lord, one thousand seven hundred and eighty-one, and in the fifth year of our independence, by the *United States* in congress assembled.

(Signed) SAM. HUNTINGTON, *President.*

Attest

(Signed)

CHARLES THOMPSON, *Secretary.*

No. II.

TREATY of AMITY, COMMERCE and NAVIGATION, between His *Britannick* Majesty and the *United States of America*. Signed at *London*, the 19th of *November*, 1794.

His Majesty's Ratification.

GEORGE R.

GEORGE the third, by the Grace of God, King of *Great Britain*, *France* and *Ireland*, Defender of the Faith, Duke of *Brunswick* and *Lunenburgh*, arch-treasurer and prince elector of the holy *Roman* empire, &c. To all and singular to whom these presents shall come, greeting: Whereas our right trusty and well-beloved counsellor, *William Wyndham*, baron *Grenville* of *Wotton*, our principal secretary of state for foreign affairs, &c. &c. did, on our part, together with the plenipotentiary of our good friends the *United States* of *America*, conclude and sign at *London*, on the nineteenth day of *November*, one thousand seven hundred and ninety-four, a treaty of amity, commerce and navigation between us and our said good friends: and whereas a certain additional article has, on the part of the said *United States*, been proposed to be annexed to the said treaty as a part thereof; to which addition we are willing to consent; the said treaty and additional article being in the words following:

HIS *Britannick* majesty and the *United States* of *America*, being desirous, by a treaty of amity, commerce and navigation, to terminate their differences in such a manner as, without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their plenipotentiaries, and given them full powers to treat of and conclude the said treaty; that is to say, his *Britannick* majesty has named, for his plenipotentiary, the right honourable *William Wyndham*, baron *Grenville* of *Wotton*, one of his majesty's privy council, and his majesty's principal secretary of state for foreign affairs, and the president of the said *United States*, by and with the advice and consent of the senate thereof, hath appointed for their plenipotentiary the honourable *John Jay*, chief justice of the said *United States*, and their envoy extraordinary to his Majesty, who have agreed on and concluded the following articles;

Article I.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between his *Britannick* majesty, his heirs and successors, and the *United States* of *America*; and between their respective countries, territories, cities, towns, and people, of every degree, without exception of persons or places.

Article II.

His majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the *United States*. This evacuation shall take place on or before the first day of June, 1796, and all the proper measures shall in the interval be taken by concert between the government of the *United States* and his majesty's governor-general in *America*, for settling the previous arrangements which may be necessary respecting the delivery of the said posts: the United States, in the mean time, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders within the precincts or jurisdiction of the said posts shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein; they shall be at full liberty to remain there, or remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion. Such of them as shall continue to reside within the said boundary lines shall not be compelled to become citizens of the *United States*, or to take any oath of allegiance to the government thereof, but they shall be at full liberty so to do, if they think proper; and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of his *Britannick* majesty, shall be considered as having elected to become citizens of the *United States*.

Article III.

It is agreed, that it shall at all times be free to his majesty's subjects, and to the citizens of the *United States*, and also to the *Indians* dwelling on either side of the said boundary line, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two parties on the continent of *America*, (the country within the limits of the *Hudson's Bay* company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other. But it is understood, that this article does not extend to the admission of vessels of the *United States* into the sea-ports, harbours, bays, or creeks of his majesty's said territories; nor into such parts of the rivers in his majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels trading *bonâ fide* between *Montreal* and *Quebec*, under such regulations as shall be established to prevent the possibility of any frauds in this respect; nor to the ad-

mission of *British* vessels from the sea into the rivers of the *United States*, beyond the highest ports of entry for vessels from the sea. The river *Mississippi* shall, however, according to the treaty of peace, be entirely open to both parties; and it is farther agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to, and used by both parties, in as ample a manner as any of the *Atlantic* ports or places of the *United States*, or any of the ports or places of his majesty in *Great Britain*.

All goods and merchandize, whose importation into his majesty's said territories in *America* shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by the citizens of the *United States*; and such goods and merchandize shall be subject to no higher or other duties than would be payable by his majesty's subjects on the importation of the same from *Europe* into the said territories. And, in like manner, all goods and merchandize, whose importation into the *United States* shall not be wholly prohibited, may freely, for the purpose of commerce, be carried into the same, in the manner aforesaid, by his majesty's subjects; and such goods and merchandize shall be subject to no higher or other duties than would be payable by the citizens of the *United States* on the importation of the same, in *American* vessels, into the *Atlantic* ports of the said *States*. And all goods not prohibited to be exported from the said territories respectively, may, in like manner, be carried out of the same by the two parties respectively, paying duty as aforesaid.

No duty of entry shall ever be levied, by either party, on peltries brought by land or inland navigation into the said territories respectively; nor shall the *Indians*, passing or repassing with their own proper goods and effects, of whatever nature, pay for the same any impost or duty whatever; but goods in bales, or other large packages unusual among *Indians*, shall not be considered as goods belonging *bonâ fide* to *Indians*.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the purpose of being immediately re-embarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed, that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same; and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render, in a great degree, the local advantages of each party common to both, and thereby to promote a disposition favourable to friendship and good neighbourhood, it is agreed, that the respective governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

Article IV.

Whereas it is uncertain whether the river *Mississippi* extends so far to the northward as to be intersected by a line to be drawn due west from the *Lake of the Woods*, in the manner mentioned in the treaty of peace between his majesty and the *United States*; it is agreed, that measures shall be taken in concert with his majesty's government, in *America*, and the government of the *United States*, for making a joint survey of the said river from one degree of latitude below the falls of *St. Anthony*, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above-mentioned, the two parties will thereupon proceed by amicable negociation, to regulate the boundary line in that quarter, as well as all other points, to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

Article V.

Whereas doubts have arisen what river was truly intended under the name of the river *St. Croix*, mentioned in the said treaty of peace, and forming a part of the boundary therein described, that question shall be referred to the final decision of commissioners, to be appointed in the following manner, viz.

One commissioner shall be named by his majesty, and one by the president of the *United States*, by and with the advice and consent of the senate thereof, and the said two commissioners shall agree on the choice of a third; or, if they cannot so agree, they shall each propose one person; and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners: and the three commissioners so appointed shall be sworn impartially to examine and decide the said question according to such evidence as shall respectively be laid before them on the part of the *British* government and of the *United States*. The said commissioners shall meet at *Halifax*, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. The said commissioners shall, by a declaration under their hands and seals, decide what river is the river *St. Croix* intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration, and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of his majesty and to the agent of the *United States*, who may be respectively appointed and authorized to manage the business on behalf of the respective governments: and both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

Article vi.

Whereas it is alledged, by divers *British* merchants, and others his majesty's subjects, that debts to a considerable amount, which were *bonâ fide* contracted before the peace, still remain owing to them by citizens or inhabitants of the *United States*, and that, by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that, by the ordinary course of judicial proceedings, the *British* creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained; it is agreed, that in all such cases where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had and received by the said creditors in the ordinary course of justice, the *United States* will make full and complete compensation for the same to the said creditors: but it is distinctly understood that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors, or other causes as would equally have operated to produce such loss if the said impediments had not existed, nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

For the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed, and authorized to meet and act in manner following, viz. Two of them shall be appointed by his majesty, two of them by the president of the *United States*, by and with the advice and consent of the senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the commissioners named by the two parties shall respectively propose one person, and of the two names so proposed one shall be drawn by lot in the presence of the four original commissioners.

When the five commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively, take the following oath or affirmation, in the presence of each other, which oath or affirmation being so taken and duly attested, shall be entered on the record of their proceedings. viz. I *A. B.* one of the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce, and navigation, between his *Britannick* majesty and the *United States of America*, do solemnly swear or affirm, that I will honestly, diligently, impartially, and carefully examine, and, to the best of my judgment, according to justice and equity, decide all such complaints as under the said article shall be preferred to the said commissioners; and that I will forbear to act as a commissioner in any case in which I may be personally interested.

Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commission, provided that one of the commissioners named on each side, and the fifth commissioner shall be present; and all decisions shall be made by the majority of the voices of the commissioners then present. Eighteen months from the day on which the said commissioners shall

form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized in any particular cases, in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months, for any term not exceeding six months, after the expiration thereof. The said commissioners shall first meet at *Philadelphia*; but they shall have power to adjourn from place to place as they shall see cause.

The said commissioners, in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meanjng of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof, every such deposition, book or paper, or copy or extract, being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said commissioners shall see cause to require or allow.

The award of the said commissioners, or of any three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant: and the *United States* undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places, as shall be awarded by the said commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said commissioners may be directed: provided always, that no such payment shall be fixed by the said commissioners to take place sooner than twelve months, from the day of the exchange of the ratifications of this treaty.

Article vii.

Whereas complaints have been made by divers merchants and others, citizens of the *United States*, that, during the course of the war in which his majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under colour of authority or commissions from his majesty; and that, from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had, and received by the ordinary course of judicial proceedings: It is agreed, that in all such cases where adequate compensation cannot, for whatever reason, be now actually obtained, had and received by the said merchants and others in the ordinary course of justice, full and complete compensation for the same will be made by the *British* government to the said complainants. But it is distinctly understood

that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimants.

That, for the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed and authorized to act in *London*, exactly in manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation *(mutatis mutandis)* the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers, and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said commissioners, or any such three of them as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the claimant; and his *Britannick* majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, in such place or places, and at such time or times, as shall be awarded by the same commissioners, and on condition of such releases or assignments to be given by the claimants, as by the said commissioners may be directed.

And whereas certain merchants and others, his majesty's subjects, complain, that, in the course of the war, they have sustained loss and damage by reason of the capture of their vessels and merchandize taken within the limits and jurisdiction of the *States*, and brought into the ports of the same, or taken by vessels originally armed in ports of the said *States*.

It is agreed, That in all such cases, where restitution shall not have been made agreeably to the tenor of the letter from Mr. *Jefferson* to Mr. *Hammond*, dated at *Philadelphia*, *September* 5, 1793, (a copy of which is annexed to this treaty) the complaints of the parties shall be, and hereby are referred to the commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to these as to the other cases committed to them; and the *United States* undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said commissioners, and at the times and places which in such awards shall be specified; and on condition of such releases or assignments to be given by the claimants as in the said awards may be directed. And it is further agreed, that not only the now existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent and meaning of this article.

Article VIII.

It is further agreed, That the commissioners mentioned in this and in the two preceding articles shall be respectively paid in such a manner as shall be agreed between the two parties; such agreement being to be settled at the time of the exchange of the ratifications of

this treaty. And all other expences attending the said commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the commissioners. And in the case of death, sickness, or necessary absence, the place of every such commissioner respectively shall be supplied in the same manner as such commissioner was first appointed, and the new commissioner shall take the same oath or affirmation, and do the same duties.

ARTICLE IX.

It is agreed, that *British* subjects, who now hold lands in the territories of the *United States*, and *American* citizens, who now hold lands in the dominions of his majesty, shall continue to hold them according to the nature and tenure of their respective states and titles therein; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives; and that neither they, nor their heirs or assigns, shall, so far as may respect the said lands, and the legal remedies incident thereto, be regarded as aliens.

ARTICLE X.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, which they may have in the public funds, or in the public or private banks, shall ever, in any event of war or national differences, be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals having confidence in each other, and in their respective governments, should ever be destroyed or impaired by national authority, on account of national differences and discontents.

ARTICLE XI.

It is agreed between his majesty and the *United States* of *America*, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations, and on the conditions specified in the following articles.

ARTICLE XII.

His majesty consents, that it shall and may be lawful, during the time hereinafter limited, for the citizens of the *United States* to carry to any of his majesty's islands and ports in the *West Indies* from the *United States*, in their own vessels, not being above the burthen of seventy tons, any goods or merchandizes, being of the growth, manufacture or produce of the said *States*, which it is or may be lawful to carry to the said islands or ports from the said *States* in *British* vessels; and that the said *American* vessels shall be subject there to no other or higher tonnage duties or charges than shall be payable by *British* vessels in the ports of the *United States*; and that the cargoes of the said *American* vessels shall be subject there to no other or higher duties or charges than shall be payable on the like articles, if imported there from the said States in *British* vessels.

And his majesty also consents, that it shall be lawful for the said *American* citizens to purchase, load, and carry away, in their said

vessels, to the *United States*, from the said islands and ports, all such articles, being of the growth, manufacture, or produce of the said islands, as may now by law be carried from thence to the said *States* in *British* vessels, and subject only to the same duties and charges on exportation to which *British* vessels and their cargoes are or shall be subject in similar circumstances.

Provided always, That the said *American* vessels do carry and land their cargoes in the *United States* only, it being expressly agreed and declared, that during the continuance of this article, the *United States* will prohibit and restrain the carrying any melasses, sugar, coffee, cocoa or cotton, in *American* vessels, either from his majesty's islands or from the *United States*, to any part of the world, except the *United States*, reasonable sea stores excepted.

Provided also, That it shall and may be lawful, during the same period, for *British* vessels to import from the said islands into the *United States*, and to export from the *United States* to the said islands, all articles whatever, being of the growth, produce, or manufacture of the said islands, or of the *United States* respectively, which now may, by the laws of the said *States*, be so imported and exported. And that the cargoes of the said *British* vessels shall be subject to no other or higher duties or charges than shall be payable on the same articles, if so imported or exported in *American* vessels.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which his majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace by which the same may be terminated.

And it is further agreed, That, at the expiration of the said term, the two contracting parties will endeavour further to regulate their commerce in this respect, according to the situation in which his majesty may then find himself with respect to the *West Indies*, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce.

And the said parties will then also renew their discussions, and endeavour to agree, whether in any or what cases neutral vessels shall protect enemy's property; and in what cases, provisions and other articles, not generally contraband, may become such. But, in the mean time, their conduct towards each other in these respects shall be regulated by the articles hereinafter inserted on those subjects.

Article xiii.

His majesty consents that the vessels belonging to the citizens of the *United States* of *America* shall be admitted and hospitably received in all the sea-ports and harbours of the *British* territories in the *East-Indies*. And that the citizens of the said *United States* may freely carry on a trade between the said territories and the said *United States* in all articles, of which the importation or exportation respectively to or from the said territories shall not be entirely prohibited. Provided only, that it shall not be lawful for them, in any time of war between the *British* government and any other power or state whatever, to export from the said territories, without the special permission of the *British* government there, any military stores or naval

stores, or rice. The citizens of the *United States* shall pay for their vessels, when admitted into the said ports, no other or higher tonnage duty than shall be payable on *British* vessels when admitted into the ports of the *United States*. And they shall pay no other or higher duties or charges on the importation or exportation of the cargoes of the said vessels than shall be payable on the same articles when imported or exported in *British* vessels. But it is expressly agreed, that the vessels of the *United States* shall not carry any of the articles exported by them from the said *British* territories to any port or place, except to some port or place in *America*, where the same shall be unladen; and such regulations shall be adopted by both parties as shall, from time to time, be found necessary to enforce the due and faithful observance of this stipulation.

It is also understood, that the permission granted by this article is not to extend to allow the vessels of the *United States* to carry on any part of the coasting trade of the said *British* territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the *British* government established there; and if any transgression should be attempted against the regulations of the *British* government in this respect, the observance of the same shall and may be enforced against the citizens of *America*, in the same manner as against *British* subjects, or others trangressing the same rule. And the citizens of the *United States*, whenever they arrive in any port or harbour in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction of whatever nature established in such harbour, port, or place, according as the same may be: the citizens of the *United States* may also touch, for refreshment, at the island of *St. Helena*, but subject, in all respects, to such regulations as the *British* government may from time to time establish there.

Article xiv.

There shall be between all the dominions of his majesty in *Europe*, and the territories of the *United States*, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time: also to hire and possess houses and warehouses for the purposes of their commerce, and generally, the merchants and traders on each side shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries respectively.

Article xv.

It is agreed that no other or higher duties shall be paid by the ships

or merchandize of the one party in the ports of the other, than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles, the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles, being of the growth, produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

But the *British* government reserves to itself the right of imposing on *American* vessels entering into the *British* ports in *Europe* a tonnage duty equal to that which shall be payable by *British* vessels in the ports of *America;* and also such duty as may be adequate to countervail the difference of duty now payable on the importation of *European* and *Asiatic* goods when imported into the *United States* in *British* or in *American* vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval, it is agreed, that the *United States* will not impose any new or additional tonnage duties on *British* vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in *British* or in *American* vessels.

Article xvi.

It shall be free for the two contracting parties respectively to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other their reasons for the same.

Either of the parties may except from the residence of consuls such particular places as such party shall judge proper to be so excepted.

Article xvii.

It is agreed, That in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessel shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed that all pro-

per measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships.

Article xviii.

In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or by sea, such as cannon, muskets, mortars, petards, bombs, granadoes, carcasses, saucisses, carriages for cannon, muskets, rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasees, halberts, lances, javelins, horses, horse-furniture, holsters, belts, and generally, all other implements of war; as also timber for ship-building, tar or rosin, copper in sheets, sails, hemp and cordage, and generally, whatever may serve directly to the equipment of vessels, unwrought iron, and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles, not generally contraband, may be regarded as such, renders it expedient to provide against the inconveniencies and misunderstandings which might thence arise: it is further agreed, that whenever any such articles so becoming contraband according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or, in their default, the government under whose authority they act, shall pay to the masters or owners of such vessel the full value of all articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested; it is agreed, that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless, after notice, she shall again attempt to enter: but she shall be permitted to go to any other port or place she may think proper; nor shall any vessel or goods of either party, that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

Article xix.

And that more abundant care be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and repara-

tion for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give before a competent judge sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling; or if such ship be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries which the said privateer, or officers or men, or any of them, may do or commit during their cruize, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said commissions shall be revoked and annulled.

It is also agreed, that whenever a judge of a court of admiralty of either of the parties shall pronounce sentence against any vessel or goods or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel without the smallest delay, he paying all legal fees and demands for the same.

Article xx.

It is further agreed, That both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbour, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandizes taken by them, and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or the factors or agents duly deputed and authorized in writing by them (proper evidence being shewn in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe or suspect that they had been piratically taken.

Article xxi.

It is likewise agreed, that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavour to enlist in the military service any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the

other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

ARTICLE XXII.

It is expressly stipulated that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ARTICLE XXIII.

The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, the officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear; and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And his majesty consents, that in case an *American* vessel should by stress of weather, danger from enemies, or other misfortunes, be reduced to the necessity of seeking shelter in any of his majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received and permitted to refit, and to purchase at the market price such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be *bonâ fide* necessary to her being refitted; nor shall she be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expences, and then not without the express permission of the government of the place; nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

ARTICLE XXIV.

It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other prince or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

ARTICLE XXV.

It shall be lawful for the ships of war and privateers, belonging to the said parties respectively, to carry whithersoever they please the

ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes (except for the purpose of preventing the carrying of any part of the cargo thereof on shore, in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew.

No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather or the dangers of the sea to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed to operate contrary to the former and existing public treaties with other sovereigns or states: but the two parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers of their territories, by ships of war, or others having commission from any prince, republic, or state whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated shall use his utmost endeavours to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

Article XXVI.

If at any time a rupture should take place (which God forbid) between his majesty and the *United States*, the merchants and others of each of the two nations residing in the dominions of the other, shall have the privilege of remaining and continuing their trade so long as they behave peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months, from the publication of the order, shall be allowed them for that purpose, to remove with their families, effects and property; but this favour shall not be extended to those who shall act contrary to the established laws: and for greater certainty it is declared, that such rupture shall not be deemed to exist while negociations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their rights, either to request the recall, or immediately to send home the ambassador or minister

of the other; and that without prejudice to their mutual friendship and good understanding.

Article xxvii.

It is further agreed, That his majesty and the *United States*, on mutual requisitions by them respectively, or by their respective ministers, or officers authorized to make the same, will deliver up to justice all persons, who being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expence of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

Article xxviii.

It is agreed that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition:—That whereas the said twelfth article will expire, by the limitation therein contained, at the end of two years from the signing the preliminary or other articles of peace which shall terminate the present war in which his majesty is engaged; it is agreed, that proper measures shall by concert be taken for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head may by that time be perfected, and ready to take place. But if it should unfortunately happen, that his majesty and the *United States* should not be able to agree on such new arrangements, in that case all the articles of this treaty, except the first ten, shall then cease and expire together.

Lastly, This treaty, when the same shall have been ratified by his majesty, and by the president of the *United States*, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on his majesty, and on the said *States*, and shall be by them respectively executed and observed with punctuality, and the most sincere regard to good faith. And whereas it will be expedient, in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, cannot now be perfected, it is agreed, that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavour so to form them, as that they may conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to, and make part of this treaty.

In faith whereof, We, the undersigned ministers plenipotentiary of his majesty the king of *Great Britain* and the *United States* of *America*,

have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

Done at *London*, this nineteenth day of *November*, one thousand seven hundred and ninety-four.

GRENVILLE. (L. S.)
JOHN JAY. (L. S.)

SIR, *Philadelphia, Sept.* 5, 1793.

I AM honoured with yours of *August* 30. Mine of the 7th of that month assured you, that measures were taken for excluding from all further asylum in our ports vessels armed in them to cruize on nations with which we are at peace, and for the restoration of the prizes, the Lovely Lass, Prince William Henry, and the Jane, of Dublin; and that should the measures for restitution fail in their effect, the president considered it as incumbent on the *United States* to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with *Great Britain*, it was the opinion of the president, that we should use towards that nation the same rule, which, under this article, was to govern us with the other nations; and even to extend it to captures made on the high seas, and brought into our ports, if done by vessels which had been armed within them.

Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of *August* 7th, the president thought it incumbent on the *United States* to make compensation for them. And though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of *June*, and before the date of that letter, yet, when the same forbearance had taken place, it was and is his opinion, that compensation would be equally due.

As to prizes made under the same circumstances, and brought in after the date of that letter, the president determined, that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other powers in the analogous case, he did not mean to give an opinion that it ought to be done to *Great Britain*. But still, if any case shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the president would think compensation equally incumbent on the *United States*.

Instructions are given to the governors of the different states, to use all the means in their power for restoring prizes of this last description found within their ports; though they will of course take measures to be informed of them, and the general government has

given them the aid of the custom-house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information, as far as shall depend on yourself, or any person under your direction, in order that the governors may use the means in their power for making restitution.

Without knowledge of the capture they cannot restore it. It would always be best to give the notice to them directly; but any information which you shall be pleased to send to me also at any time shall be forwarded to them as quickly as distance will permit.

Hence you will perceive, sir, that the president contemplates restitution or compensation in the cases before the 7th of *August*; and after that date, restitution, if it can be effected by any means in our power: and that it will be important that you should substantiate the fact, that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports is, I believe, correct.

With respect to losses by detention, waste, or spoliation, sustained by vessels taken as before-mentioned, between the dates of *June* 5th and *August* 7th, it is proposed, as a provisional measure, that the collector of the customs of the district, and the *British* consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo at the time of her capture, and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly to the collectors of the customs where the respective vessels are.

I have the honour to be, &c.

(Signed) THOMAS JEFFERSON.

Additional Article.

IT is further agreed between the said contracting parties, that the operation of so much of the twelfth article of the said treaty as respects the trade, which his said majesty thereby consents may be carried on between the *United States* and his islands in the *West Indies*, in the manner and on the terms and conditions therein specified, shall be suspended.

WE therefore, by virtue of these presents, do approve and ratify the said treaty, together with the said additional article, as the same are respectively set forth in this instrument of ratification; promising and engaging our royal word, that we will faithfully and religiously perform and observe all and singular the things agreed upon in this treaty, and that we will not suffer the same to be violated by any one, as far as lies in our power. For the greater testimony and validity whereof, we have caused our great seal to be affixed to these presents, which we have signed with our royal hand.

Given at our court at *St. James's*, the twenty-eighth day of *October*, one thousand seven hundred and ninety-five, in the thirty-sixth year of our reign.

G. R.

Ratification of the *United States*.

GEORGE WASHINGTON, president of the *United States of America*,

To all and singular to whom these presents shall come, greeting.

WHEREAS a certain treaty of amity, commerce, and navigation between the *United States* of *America* and his *Britannick* majesty was concluded and signed between their plenipotentiary the honourable *John Jay*, chief justice of the *United States*, and their envoy extraordinary to his said majesty, and the plenipotentiary of his *Britannick* majesty, the right honourable *William Wyndham*, Baron *Grenville* of *Wotton*, one of his majesty's privy council, and his majesty's secretary of state for foreign affairs, at *London*, on the nineteenth day of *November*, in the year of our Lord one thousand seven hundred and ninety-four; which treaty is word for word as follows; to wit,

[*Here follows the treaty.*]

And whereas the senate of the *United States* did, by their resolution on the twenty-fourth day of *June*, in the year of our Lord 1795, (all the senators of the *United States* being then present, and two-thirds thereof concurring) "consent to and advise the president of the "*United States* to ratify the treaty of amity, commerce, and navigation, between his *Britannick* majesty and the *United States* of "*America*, concluded at *London* the nineteenth day of *November*, "1794, on condition that there be added to the said treaty an article, "whereby it shall be agreed to suspend the operation of so much of "the twelfth article as respects the trade which his said majesty "thereby consents may be carried on between the *United States* and "his Islands in the *West Indies*, in the manner, and on the terms and "conditions therein specified.

And whereas it will satisfy, and be conformable with the said advice and consent of the senate, if there be added to the said treaty an article in the following words, that is to say,

ADDITIONAL ARTICLE.

"It is further agreed between the said contracting parties, that the "operation of so much of the twelfth article of the said treaty as "respects the trade which his said majesty thereby consents may be "carried on between the *United States* and his Islands in the *West* "*Indies*, in the manner and on the terms and conditions therein "specified, shall be suspended."

Now, therefore, I *George Washington*, president of the *United States* of *America*, having seen and considered the treaty and additional article aforesaid, do, in pursuance of the aforesaid advice and consent of the senate of the *United States* of *America*, by these presents, ratify, accept, and confirm the said treaty and the said additional article, as the same are herein set forth.

And I do moreover hereby declare, that the said treaty and the said additional article form together one instrument, and are a treaty between the *United States* of *America* and his *Britannick* majesty, made

by the president of the *United States*, by and with the advice and consent of the senate thereof.

(Seal.) For the greater testimony and validity of all which, I have caused the great seal of the *United States* of *America* to be affixed to these presents, and have signed the same with my hand.

Given at the city of *Philadelphia*, the fourteenth day of *August*, in the year one thousand seven hundred and ninety-five, and of the independence of the *United States* of *America* the twentieth.

(Signed) GEO. WASHINGTON.

By the president of the *United States* of *America*,

igned) EDM. RANDOLPH,
Secretary of State for the *United States of America*.

His Majesty's full Power.

GEORGE R.

GEORGE the third, by the Grace of God, King of *Great Britain*, *France*, and *Ireland*, Defender of the Faith, Duke of *Brunswick* and *Lunenburg*, arch-treasurer and prince elector of the holy *Roman* empire, *&c.* To all to whom these presents shall come, greeting. Whereas, for the perfecting, confirming and rendering perpetual the peace, friendship and good understanding between us and our good friends the *United States* of *America*, for adjusting and terminating all subsisting differences and disputes, from whatever cause the same may have arisen between us and the said *United States*; or between our subjects and the people or inhabitants of the said *States*; for removing the grounds of future dissensions, and for promoting and extending the mutual intercourse of trade and commerce between our dominions and the territories of the said *United States*, we have thought proper to invest some fit person with full powers on our part to confer, treat and conclude with *John Jay*, esquire, the envoy extraordinary of the said *United States* to our court, now residing at our said court, and duly authorized in that behalf on the part of the said *United States*. Now know ye, that we, reposing especial trust and confidence in the wisdom, loyalty, diligence and circumspection of our right trusty and well-beloved counsellor *William Wyndham*, Baron *Grenville* of *Wotton*, and our principal secretary of state for foreign affairs, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him our true, certain and undoubted commissioner, procurator and plenipotentiary; giving and granting to him all and all manner of faculty, power and authority, together with general as well as special orders (so as the general do not derogate from the special, nor on the coutrary) for us and in our name to meet, confer, treat and conclude with the said minister, furnished with sufficient powers on the part of our said good friends the *United States* of *America*, of and concerning all such matters and things as may be requisite and necessary for accomplishing and com-

pleting the several ends and purposes herein before mentioned; and also for us and in our name to sign such treaty or treaties, convention or conventions, or other instruments whatsoever, as may be agreed upon in the premises, and mutually to deliver and receive the same in exchange; and to do and perform all such other acts, matters and things as may be any ways proper and conducive to the purposes abovementioned, in as full and ample form and manner, and with the like validity and effect as we ourself, if we were present, could do and perform the same; engaging and promising on our royal word, that we will accept, ratify and confirm, in the most effectual manner, all such acts, matters and things as shall be so transacted and concluded by our aforesaid commissioner, procurator and plenipotentiary, and that we will never suffer any person to violate the same, in the whole or any part, or to act contrary thereto.

In testimony and confirmation of all which, we have caused our great seal of *Great Britain* to be affixed to these presents, signed with our royal hand.

Given at our palace at *St. James's* the seventeenth day of *November*, in the year of our Lord one thousand seven hundred and ninety-four, and in the thirty-fifth of our reign.

Full Power of the *United States*.

GEORGE WASHINGTON, president of the *United States* of *America*,

To all and singular whom these presents shall concern, greeting.

KNOW ye, that, for the purpose of confirming between the *United States* of *America* and his *Britannick* majesty perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and from a special trust and confidence in the integrity, prudence and abilities of *John Jay*, chief justice of the *United States*, I have nominated, and, by and with the advice and consent of the senate, appointed the said *John Jay* envoy extraordinary of the *United States* to his *Britannick* majesty, hereby giving and granting to him full and all manner of power and authority, as also a general and special command, at the court of his said majesty, for and in the name of the *United States*, to meet and confer with the ministers, commissioners deputies of his said majesty, being furnished with sufficient authority, whether singly and separately, or collectively and jointly, and with them to agree, treat, consult and negociate of and concerning all matters and causes of difference subsisting between the *United States* and his said majesty, whether the same respect the inexecution or infraction of the armistice declaring a cessation of hostilities between the *United States* of *America* and his *Britannick* majesty, at *Versailles*, on the 20th of *January*, 1783, or the definitive treaty of peace made between the *United States* and his said majesty on the 3d of September, 1783, or the instructions of his said majesty to his ships of war and privateers, of whatsoever date, but especially on the 8th of *June*, 1793, the 6th of *November*, 1793, and the 8th of *January*, 1794; or restitution or compensation in the cases of capture or seizure made of the property of the citizens of the *United States* by the said ships

of war and privateers, or retribution for the injuries received therefrom by any citizen of the *United States*: and also of and concerning the general commerce between the *United States* and the kingdoms and dominions of his *Britannick* majesty, wheresoever they may be; to conclude and sign a treaty or treaties, convention or conventions, touching the premises; transmitting the same to the president of the *United States* of *America* for his final ratification, by and with the advice and consent of the senate of the *United States*.

(L. S.) In testimony whereof, I have caused the seal of the *United States* to be hereunto affixed. Given under my hand, at the city of *Philadelphia*, this sixth day of *May*, one thousand seven hundred and ninety four, and of the independence of the *United States* of *America* the eighteenth.

(Signed) GEO. WASHINGTON.

By the president of the *United States* of *America*,

(Signed) EDM. RANDOLPH,
Secretary of State.

No. III.

EXPLANATORY ARTICLE, signed at *Philadelphia*, the 4th of *May*, 1796, to be added to the TREATY of AMITY, COMMERCE, and NAVIGATION, between his *Britannick* Majesty and the *United States* of *America*, signed at *London*, the 19th of *November*, 1794.

WHEREAS by the third article of the treaty of amity, commerce, and navigation, concluded at *London* on the nineteenth day of *November*, one thousand seven hundred and ninety-four, between his *Britannic* majesty and the *United States* of *America*, it was agreed that it should at all times be free to his majesty's subjects, and to the citizens of the *United States*, and also to the *Indians* dwelling on either side of the boundary line assigned by the treaty of peace to the *United States*, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of *America* (the country within the limits of the *Hudson's Bay* company only excepted), and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: And whereas by the eighth article of the treaty of peace and friendship, concluded at *Grenville* on the third day of *August*, one thousand seven hundred and ninety five, between the *United States* and the nations or tribes of *Indians* called the *Wyandots*, *Delawares*, *Shawanoes*, *Ottawas*, *Chippewas*, *Putawatimies*, *Miamis*, *Eel River*, *Weeas*, *Kickapoos*, *Piankashaws*, and *Kaskaskias*, it was stipulated that no person should be permitted to reside at any of the towns or hunting camps of the said *Indian* tribes as a trader, who is not furnished with a licence for that purpose under the authority of the *United States*; which latter stipulation has excited doubts whether in its operation it may not interfere with the due execution of the said third article of the treaty of amity, commerce, and navigation; and it being the sincere desire of his *Britannick* majesty and of the *United States* that this point should be so explained as to remove all doubts, and promote mutual satisfaction and friendship; and for this purpose his *Britannick* majesty, having named for his commissioner *Phineas Bond*, esquire, his majesty's consul general for the middle and southern states of *America*, (and now his majesty's chargé d'affaires to the *United States*), and the president of the *United States* having named for their commissioner *Timothy Pickering*, esquire, secretary of state of the *United States*, to whom, agreeably to the laws of the *United States*, he has entrusted this negociation; they the said commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce, and navigation, entered into this explanatory article, and do by these presents

explicitly agree and declare, that no stipulations in any treaty, subsequently concluded by either of the contracting parties with any other state or nation, or with any *Indian* tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the treaty of amity, commerce, and navigation, to the subjects of his majesty and to the citizens of the *United States*, and to the *Indians* dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land or inland navigation, into the respective territories and countries of the contracting parties on either side of the said boundary line; and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce, and navigation.

This explanatory article, when the same shall have been ratified by his majesty, and by the president of the *United States* by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the said treaty of amity, commerce and navigation, and shall be permanently binding upon his majesty and the *United States*.

In witness whereof, we the said commissioners of his majesty the king of *Great Britain* and the *United States* of *America*, have signed this present explanatory article, and thereto affixed our seals. Done at *Philadelphia*, this fourth day of *May*, in the year of our Lord one thousand seven hundred and ninety-six.

P. BOND. (L. S.) TIMOTHY PICKERING. (L. S.)

No. IV.

No. IV.

Declaration as to the Boundaries of the River St. Croix.

THOMAS BARCLAY, DAVID HOWELL, and EGBERT BENSON, Commissioners, appointed in pursuance of the fifth Article of the TREATY of AMITY, COMMERCE, and NAVIGATION, between His *Britannic* Majesty and the *United States of America*, finally to decide the Question, "What River was truly intended under the name of the River *St. Croix*, mentioned in the Treaty of Peace, between His Majesty and the *United States*, and forming a part of the Boundary therein described."

DECLARATION.

WE the ſaid commiſſioners having been ſworn impartially to examine and decide the ſaid queſtion according to ſuch evidence as ſhould reſpectively be laid before us, on the part of the *Britiſh* government and of the *United States*, and having heard the evidence which hath been laid before us by the agent of his majeſty, and the agent of the *United States* reſpectively appointed, and authorized to manage the buſineſs on behalf of the reſpective governments—*Have decided*, and hereby *do decide* the river hereinafter particularly deſcribed, and mentioned to be the river truly intended under the name of the river *St. Croix*, in the ſaid treaty of peace, and forming a part of the boundary therein deſcribed. That is to ſay, The mouth of the ſaid river is in Paſſamaquoddy Bay, at a point of land called Joe's Point, about one mile northward from the northern part of St. Andrew's Iſland, and in the latitude of forty-five degrees five minutes and five ſeconds north, and in the longitude of ſixty-ſeven degrees, twelve minutes, and thirty ſeconds weſt from the Royal Obſervatory at Greenwich in Great Britain, and three degrees fifty-four minutes and fifteen ſeconds eaſt from Harvard College, in the Univerſity of Cambridge, in the State of Maſſachuſetts. And the courſe of the ſaid river up from its ſaid mouth is northerly, to a point of land called the Devil's Head, then turning, the ſaid point is weſterly, to where it divides into two ſtreams, the one coming from the weſtward, and the other coming from the northward, having the name of Chiputnatecook, or Chibnitcook, as the ſame may be variouſly ſpelt, then up the ſaid ſtream ſo coming from the northward to its ſource which is at a ſtake near a yellow birch tree hooped with iron, and marked S. T. and I. H. 1797, by Samuel Titcomb, and John Harris, the ſurveyors employed to ſurvey the abovementioned ſtream coming from the northward. And the ſaid river is deſignated on the map hereunto annexed, and hereby referred to as further deſcriptive of it by the letters A. B. C.

D. E. F. G. H. I. K. and L. the letter A. being at its ſaid mouth, and the letter L. being at its ſaid ſource: and the courſe and diſtance of the ſaid ſource from the Iſland, at the confluence of the abovementioned two ſtreams, is as laid down on the ſaid map, north five degrees and about fifteen minutes, weſt by the magnet about forty-eight miles and one quarter.

In teſtimony, whereof, we have hereunto ſet our hands and ſeals at Providence, in the State of Rhode Iſland, the twenty-fifth day of *October*, in the year one thouſand ſeven hundred and ninety-eight.

THOMAS BARCLAY, (L. S.)
DAVID HOWELL, (L. S.)
EGBERT BENSON, (L. S.)

(Witneſs) EDWARD WINSLOW,
Secretary to the Commiſſioners.

No. V.

No. V.

To the Right Hon. Lord Hobart, one of His Majeſty's Principal Secretaries of State, &c. &c.

The Memorial and Petition of the Merchants and other Inhabitants of New Brunswick,

Humbly ſheweth,

THAT after the ſettlement of this province by the American loyaliſts in the year 1783, its inhabitants eagerly engaged in endeavouring to ſupply with fiſh and lumber the Britiſh poſſeſſions in the Weſt Indies, and by their exertions they had, within the firſt ten years, built ninety-three ſquare-rigged veſſels, and ſeventy-one ſloops and ſchooners, which were principally employed in that trade. There was the moſt flattering proſpect that this trade would have rapidly encreaſed, when the late war breaking out, the Governors of the Weſt India iſlands admitted, by proclamation, the *veſſels of the United States* of America to ſupply them *with every thing they wanted;* by which means the riſing trade of this province has been materially injured, and the enterpriſing ſpirit of its inhabitants ſeverely checked. For the citizens of the United States, having none of the evils of war to encounter, are not ſubject to the high rates of inſurance on their veſſels and cargoes, nor to the great advance in the wages of ſeamen, to which, by the imperious circumſtances of the times, Britiſh ſubjects are unavoidably liable. And being admitted by proclamation, they are thereby *exempt* from a tranſient and parochial duty of two and a half to five per cent. exacted in the Weſt India iſlands from Britiſh ſubjects.

Admiſſion into the Britiſh ports in the Weſt Indies having been once obtained by the Americans, their government has ſpared neither pains nor expence to increaſe their *fiſheries*, ſo eſſential to that trade. By granting a bounty of nearly 20*s.* per ton on all veſſels employed in the cod fiſhery, they have induced numbers to turn their attention to that buſineſs, and now the principal part of the cod fiſhery in the Bay of Fundy is engroſſed by them.

The county of Charlotte being ſeparated from the United States only by a navigable river, the Americans have, under the foregoing advantages, been enabled to carry off annually (to be *reſhipped* for the Weſt India market,) nearly three millions of feet of boards cut in that part of this province, and alſo a large proportion of the fiſh caught and cured by Britiſh ſubjects in the Bay of Paſſamaquoddy.

Theſe diſcouraging circumſtances have prevented the trade in fiſh and lumber from this province to the Weſt Indies from encreaſing ſince the year 1793, and would have totally annihilated it, had not the province poſſeſſed advantages in point of ſituation ſo favourable for that trade, as to enable its inhabitants to continue the eſtabliſhments already made for that purpoſe. What thoſe advantages are, our memorialiſts now beg leave to ſtate to your Lordſhip.

The ſea coaſt of this province abounds with cod and ſcale fiſh, and its rivers are annually viſited by immenſe ſhoals of herrings, ſhad, and ſalmon. The numerous harbours along the coaſt are moſt conveniently ſituated for carrying on the cod fiſhery, which may be proſecuted to any extent imaginable. The herrings which frequent the rivers of this province are a ſpecies peculiarly adapted for the Weſt India market; being equally nutritious with the common herrings, and poſſeſſed of a greater degree of firmneſs, they are capable of being kept longer in a warm climate. In ſuch abundance are they annually to be found, that the quantity cured can only be limited by the inſufficient number of hands employed in the buſineſs.

The interior of this province, as well as the parts bordering on the ſea coaſt, is every where interſected by rivers, creeks, and lakes, on the margin of which, or at no great diſtance from them, the country for the moſt part is covered with inexhauſtible foreſts of pine, ſpruce, birch, beech, maple, elm, fir, and other timber, proper for maſts of any ſize, lumber, and ſhip-building. The ſmaller rivers afford excellent ſituations for ſaw-mills, and every ſtream, by the melting of the ſnow in the ſpring, is rendered deep enough to float down the maſts and lumber of every deſcription, which the inhabitants have cut and brought to its banks, during the long and ſevere winters of this climate, when their agricultural purſuits are neceſſarily ſuſpended. The lands in the interior of the province are generally excellent, and where cleared, have proved very productive.

Great advances have not hitherto been made in agriculture for want of a ſufficient number of inhabitants, yet within a few years there has remained, beyond our domeſtic ſupply, a conſiderable ſurplus in horſes, ſalted proviſions, and butter, for exportation. And your memorialiſts look forward with confidence to a rapid increaſe in the exports of thoſe articles, for which the ſoil and climate of this country are well adapted.

Poſſeſſing ſo many local advantages, your memorialiſts feel themſelves warranted in ſtating to your Lordſhip, that, *were not the Americans admitted* into the Britiſh ports in the Weſt Indies, the fiſheries of this and the neighbouring colonies, if duly encouraged, would, with the regular ſupply from the united kingdoms, furniſh the Britiſh Weſt India iſlands with all the fiſh they would require. And that in a few years the ſupply of lumber from this province, which already exceeds *ten millions* of feet annually, would, with the exception of ſtaves only, be equal to the demand in the ſaid iſlands. And your memorialiſts farther confidently ſtate, that theſe provinces would furniſh ſhipping ſufficient to carry from the United States all the flour, corn, and ſtaves, which the Britiſh Weſt Indies would ſtand in need of beyond what the Canadian provinces could furniſh.

During the peace from 1783 to 1793, American veſſels were not admitted into the Britiſh Weſt India iſlands, (the whole trade of thoſe iſlands being carried on during that period in Britiſh bottoms) and at no time have the ſupplies been more abundant or more reaſonable. Were the Americans excluded from thoſe iſlands, this and the neighbouring provinces could now furniſh a much larger proportion than formerly of the ſupplies required, and a rapid and progreſſive increaſe might annually be expected. But ſhould the Ame-

ricans obtain *by treaty a right to participate in that trade*, not only will the farther progreſs of improvement in this province be interrupted, but many of its moſt induſtrious inhabitants, unable to procure a ſubſiſtence here, will be urged to forego the bleſſings of the Britiſh conſtitution, to which they are moſt ſincerely and zealouſly attached, and to ſeek for an eſtabliſhment in the United States of America. That great advantages would reſult to the Britiſh nation from providing a ſure and permanent ſupply of thoſe eſſential articles for its Weſt India iſlands, independent of foreign aſſiſtance, muſt be obvious. The inhabitants of thoſe iſlands, *forming commercial connexions only with their fellow ſubjects*, would continue the more unalterably attached in their dutiful affection and loyalty to the parent ſtate; and there would be the leſs reaſon to dread the conſequences of any miſunderſtanding that might hereafter ariſe between Great Britain and the United States of America. The introduction into the Weſt Indies of contraband articles, particularly teas, and all kinds of Eaſt India manufactures, (a traffic which the Americans now carry on to an enormous extent) would thereby be checked, and the whole benefit of the trade of thoſe iſlands ſecured to Britiſh ſubjects. If thus aided and ſupported againſt the views of the Americans, the trade of theſe northern provinces would ſpeedily acquire new and increaſing vigour, and (which may be an important conſideration,) ſoon render them valuable nurſeries of ſeamen for the Britiſh navy, that grand ſecurity to the commerce and proſperity of his majeſty's kingdoms and colonies.

Your memorialiſts therefore moſt humbly pray, &c.

Saint John, New Brunswick, 11th May, 1804.

No. VI.

To the Right Honourable Lord Hobart, one of His Majesty's principal Secretaries of State, &c. &c.

The Petition of the Merchants, and other Inhabitants of Halifax, in the Province of Nova Scotia,

Humbly sheweth,

THAT the trade of this province arises principally from the fish caught on its coasts, great quantities of which are exported annually by your petitioners to the West India islands. That in the pursuit of this commerce, your petitioners are rivalled by the citizens of the American States, to whom the ports of those islands are ever open, and who are exempt from duties and other expences to which your petitioners are liable. Your petitioners have heard, that in the existing negociation, relative to the twelfth article of the treaty with America, the Americans aim at a further extension of their trade with the British West India islands, which, if obtained, would utterly ruin the already declining fisheries of the British colonies, whence the nation has long derived much wealth, and its navy a supply of hardy seamen.

That the coasts of this province, as well as the Gulph of St. Lawrence, and the islands of Newfoundland and Cape Breton, abound with fish of the most valuable sorts, so that with encouragement these colonies would satisfy, to its utmost extent, the demand of the West India islands for dry and pickled fish.

Your petitioners, therefore, most humbly pray, that your Lordship, and his majesty's other ministers, would take the premises, and the annexed memorial, into consideration, and would protect the trade and fisheries of his Majesty's subjects in these colonies, against the views of the Americans, by granting to the British colonists the exclusive privilege of supplying their fellow subjects in the West Indies with the article of fish caught on the coasts of North America.

(Signed) *William Sabatier,*
William Smith,
George Graffie,
James Frafer,
William Lyon,

Committee appointed by the Merchants, and other inhabitants of Halifax, **Nova Scotia.**

Halifax, Nova Scotia, March 23d, 1804.

Memorial and Statement of the Case referred to in the annexed Petition.

AS every Britiſh Province and Iſland in theſe northern climates is individually able to furniſh the Weſt India Iſlands with ſome eſſential article of conſumption, which in whole, or in part, is deficient in others, the Petitioners, in the following ſtatement, have extended their obſervations beyond the limits of the ſingle Province in which they reſide.

The Weſt India Iſlands require to be ſupplied with the undermentioned articles, *viz.*

From the fiſheries.—Dried cod fiſh, barrel or pickled fiſh, *viz.* ſalmon, herring (of various ſpecies), and mackarel and oil.

Foreſt.—Lumber, *viz.* ſquared timber, ſcantling, planks and boards, ſhingles, clapboards, hoops, and oak ſtaves.

Agriculture.—Biſcuits and flour, Indian corn and meal, pork, beef, butter, cheeſe, potatoes, and onions; live ſtock, *viz.* horſes, oxen, hogs, ſheep, and poultry.

Mines.—Coals.

Of theſe articles, the following are produced by the ſeveral colonies.—New Brunſwick produces, in the greateſt abundance, lumber of every kind, except oak ſtaves; it yields already many of the ſmaller articles which ſerve to complete a cargo, and its ſhores abound with various fiſh fit for pickling. Nova Scotia produces lumber of all ſorts, except oak ſtaves, but in a leſſer degree than New Brunſwick; horſes, oxen, ſheep, and all the other productions of agriculture, except wheat and Indian corn; the Eaſtern and Northern parts of the Province abound in coal, and its whole coaſt yields inexhauſtible quantities of cod fiſh, and others fit for pickling.

Cape Breton and Prince Edward Iſlands; the former yields coal in abundance, its fiſheries are conſiderable; but without dealing directly with the Weſt Indies, they ſerve to increaſe the exports of Nova Scotia. Both theſe iſlands ſupply Newfoundland with cattle, and with due encouragement would rival ſome of the more opulent colonies, in articles of agriculture; their fiſheries alſo may be greatly extended, as the whole circuit of theſe iſlands abound in fiſh.

Canada can ſupply any quantity of oak ſtaves, as well as flour and Indian corn, for ſix months in the year. Newfoundland yields little lumber, but its trade in dried cod fiſh has hitherto, in a great meaſure, ſupplied all Europe and the Weſt Indies, and it is capable of ſtill greater extenſion.

The petitioners have therefore no heſitation in affirming, that theſe mother colonies are able to ſupply the Weſt Indies with dried fiſh, and every ſpecies of pickled fiſh, for their conſumption; and that at no very diſtant period they could alſo ſupply all the other articles herein before enumerated, except, perhaps, flour, Indian meal and corn, and oak ſtaves.

Having ſtated the foregoing facts, the petitioners beg leave to requeſt the attention of his Majeſty's miniſters to the peculiar circumſtances of this Province; the permanent eſtabliſhment of which took

place about fifty-four years ago; for previous to the ſettlement of Halifax, there were few inhabitants in it, and but little trade. The mother country, ſenſible of the favourable ſituation of this colony for fiſheries, that its harbours are ſeldom more than a few miles from each other, and that its extenſive ſea coaſt teems every ſeaſon with ſhoals of fiſh of the moſt uſeful ſorts, made every effort to eſtabliſh them. The fiſheries, however, until the cloſe of the American war, languiſhed from one cauſe only—the want of inhabitants. The influx of inhabitants at that time, and ſince, has promoted induſtry and domeſtic comfort, and a race of people born on the ſoil have become attached to it. The clearing of the lands, and other cauſes, have improved the climate; and by a late ſurvey of the interior of the Province, it is diſcovered that the lands are not only better than had been imagined, but ſuperior to the greater part of the reſt of North America.

The preſent ſituation of this Province with regard to its trade, reſembles that of New England at the cloſe of the ſeventeenth century; and unleſs checked at this criſis, it has the moſt reaſonable expectation of a more rapid increaſe than the latter ever experienced.

Encouraged by the proſpect before them, and conſcious of the abuſes that have crept into the fiſheries, the Petitioners are looking forward to the aid of the Provincial Legiſlature, and to other means for correcting thoſe abuſes; and for eſtabliſhing and improving the fiſheries, that great ſource of wealth to the parent ſtate, the colonial huſbandman, and merchant: but they perceive with regret, that their efforts will prove ineffectual, unleſs the citizens of the United States, according to the *ancient policy* of Great Britain towards foreigners, are wholly or partially excluded from the iſlands, or a permanent equivalent is granted to the coloniſts.

The American Legiſlature has rejected the 12th Article of the late Treaty; the citizens of the United States would have been excluded from the Weſt Indies, if the Governors of thoſe iſlands had not, under the plea of neceſſity, by proclamation, admitted them. In this trade the Americans poſſeſs the following advantages over the coloniſts.

Firſt,—In the Islands of Barbadoes, Antigua, Saint Kitt's, and Jamaica, a ſtranger's duty of two and a half, or more, per cent. is impoſed on imports, and in the Iſland of Saint Vincent, *Britiſh ſubjects* excluſively are ſubject to a duty of three per cent. which muſt be paid in ſpecie, and to procure which a forced ſale is frequently made of part of the cargo to great diſadvantage. From this duty the *Americans*, being invited by proclamation, *are exempt*.

Second,—During the late and preſent war, the citizens of the United States, being neutrals, have not been burthened with the heavy charge of inſurance againſt the enemy, which to the coloniſts has increaſed the premium ten per cent. to the ſmaller iſlands, and twelve and a half per cent. to Jamaica.

Third,—The Northern States have granted a bounty of near 20 ſhillings per ton, on veſſels in their fiſheries.

From thoſe circumſtances, ſo unable are the petitioners to contend with the Americans in the Weſt India markets, that they derive greater advantage by ſelling their fiſh at an inferior price in the United States; whence the Americans re-export them to the Weſt

India Iſlands under the above-mentioned advantages, ſo as to make a profit even on their outward voyage.

It is well known, and in an ample report made to Congreſs in the years 1790 and 1791, by the now Preſident of the United States, then their Secretary of State, it was ſet forth, that the fiſheries of New England were on the verge of ruin, and he recommended, what was afterwards adopted,—the grant of a bounty to counterbalance the diſadvantages the trade then laboured under. At that period, the fiſheries of Nova Scotia made a rapid increaſe; the whale fiſhery alone from the port of Halifax conſiſted of twenty-eight ſail of ſhips and brigs from 60 to 200 tons burthen; but the ſucceeding war and other unfavourable circumſtances ſoon deſtroyed this important branch of the fiſhery. By the aid of bounties from the State Legiſlature, the American fiſheries recovered their former vigour, and are now carried on with great ſpirit, increaſing their trade with the Weſt Indies to an incredible extent; conſiderable numbers of our beſt fiſhermen have emigrated from Newfoundland and this Province, to the United States, within a few months, and more are daily following them; thus it appears evident, that a wiſe policy, ſteadily purſued, will preſerve a ſinking trade, and that this Province is not wanting in exertion, when favourable opportunities for it are offered.

Should the Americans obtain by treaty an indulgence of their trade in fiſh with the Weſt Indies, it will prove the ruin of that of the Britiſh Northern Colonies, and draw away from them their moſt induſtrious inhabitants. The Iſlands will then depend on Foreign States for ſupplies of all the articles before enumerated; and if at any time hereafter differences ſhould take place between Great Britain and the American States, from what quarter, it may be aſked, are the Iſlands to obtain their ſupplies? the ruined trade and fiſheries of thoſe colonies may prove, too late, the fatal policy of throwing into the hands of foreigners a trade, which, with a little encouragement, might have been almoſt, if not entirely, confined to Britiſh ſubjects.

From theſe conſiderations the juſtice and policy of giving encouragement to the Northern Colonies are evident. Should the ſtranger's duty, impoſed in the Iſlands, be taken off; ſhould a bounty equal to that granted by the State Legiſlature be allowed, and the preſent war ſucceeded by a peace, then may the Weſt India Iſlands receive from theſe Colonies ſupplies of all kinds of dried or pickled fiſh, on terms as advantageous as they are now furniſhed with them from a Foreign State. It is obvious that the Americans, and the Weſt India planters, have a mutual intereſt in the free trade to the Iſlands, but the planters have no right to expect ſupplies from a neutral nation in time of war, merely becauſe it affords them at a cheaper rate than the Britiſh Colonies; they ſhould bear the inconveniences of war as well as their fellow ſubjects, who have been driven into theſe northern regions by their zealous loyalty in ſupport of the happy conſtitution under which they now live. The ſupplies required by the Iſlands cannot greatly increaſe; while the Northern Colonies, from their great extent and growing population, will every year be more and more able to furniſh thoſe ſupplies. The Iſlands are, in a meaſure, limited in their extent; but the Northern Colonies are almoſt unbounded.

The inhabitants of thoſe colonies have acquired their preſent condition, which at beſt is mediocrity, by a continued exertion of induſtry and frugality, under a climate and a ſoil, which yield their bleſſings to perſevering exertion alone. The Weſt India planters have ever been in a different ſituation, and can afford to wait a reaſonable time for the accompliſhment of thoſe expectations which are juſtly entertained by the coloniſts; in the interim, they ought to give a fair equivalent for the articles of which they ſtand in need, and not expect, at an inferior price, commodities whoſe value the imperious circumſtances of the times have tended to enhance. The northern coloniſts have ſtruggled with all the difficulties incident to a young country, and they are now arrived at a period, when, if duly encouraged, they may be enabled to reap the fruits of their honeſt labour: but reſtricted in their trade to the Mediterranean by an ancient regulation, which obliges them to land their cargoes in ſome Engliſh European port, before they can proceed on homeward-bound voyages, and burthened alſo in the manner here ſtated in the Weſt India trade, the petitioners cannot contend with the Americans, but look forward with the moſt diſtreſsful proſpects to means of procuring a future ſubſiſtence, unleſs his Majeſty, in his goodneſs, ſhall be pleaſed to afford them protection and relief. They therefore anxiouſly hope, that the obſervations contained in this memorial may not appear unworthy of the attention of his Majeſty's miniſters, but that whatever temporary indulgences may be granted to the American citizens, the Britiſh coloniſts, agreeably to their former ſolicitations on that ſubject, may be permitted to return to America, without entering at any port in Great Britain.

Halifax, Jan. 30, 1805.

My Lord,

We the Committee of the merchants and inhabitants of Halifax, Nova Scotia, who preſented to Lord Hobart, your Lordſhip's predeceſſor, a petition praying that the Britiſh coloniſts might have the excluſive right of ſupplying his Majeſty's Weſt India iſlands with fiſh, have lately ſeen, in print, a letter written to your Lordſhip by G. W. Jordan, Eſq. Colonial Agent for Barbadoes, containing obſervations on our petition, and the memorial annexed to it; we think it our duty briefly to anſwer thoſe obſervations, and to enforce the object of our petition.

Mr. Jordan's firſt remark is founded on a miſconception or perverſion of the allegation of the petitioners; we aſſert in our memorial "that in the iſlands of Barbadoes, Antigua, Saint Kitt's, and Jamaica, "a ſtranger's duty, of two and a half per cent. is impoſed on "imports, and that in the iſland of Saint Vincent, Britiſh ſub-"jects, excluſively, are ſubject to a duty of three per cent.;" no charge is therefore made, that the duty is not general in the iſland of Barbadoes; the charge is clearly confined to the ſingle iſland of St. Vincent.

We are not alarmed, my Lord, at the reference made by Mr. Jordan to papers which were not intended for his inſpection, but for

private information only; ſince thoſe papers contain no other facts than ſuch as can be proved. The practice in the Weſt India iſlands of keeping the ports always open to the Americans, amounts, in our apprehenſion, to the grant of a free trade; and that goods of foreign manufacture are by theſe means introduced into the iſlands, no one who is at all acquainted with the character and practices of the American traders can doubt. We lament that, even in theſe colonies, into whoſe ports no American veſſels are admitted, except fiſhing veſſels, which by treaty are allowed to reſort to our coaſts, ſuch quantities of foreign goods do find admittance, that it is to be feared more than half the Eaſt India goods conſumed in this province is ſupplied from the neighbouring States of America.

We do not, as Mr. Jordan is pleaſed to aſſert, claim a right of ſelling our own commodities at our own prices in time of war; but we contend that, when the article of fiſh is furniſhed from the northern colonies, in abundance, although increaſed in price by the war expences, the Weſt India coloniſts ought not, on that account, to require or permit the introduction of it from foreign ſtates, and in foreign bottoms; eſpecially as the fiſh is generally paid for in the produce of the iſlands, of which the planters take care to raiſe the price in proportion. That theſe northern colonies can ſupply the iſlands with their whole conſumption of fiſh, and at reaſonable prices, can be eaſily proved, and that they are, therefore, entitled to do ſo, *excluſively*, Mr. Jordan himſelf admits.

The right of the Weſt India coloniſts to obtain from the American States all articles of the firſt neceſſity, which they cannot adequately obtain from the dominions of Great Britain, is not diſputed by us; but we aſſert that the article of fiſh can be adequately obtained from the Britiſh colonies. That the allowing ſupplies to be imported in American bottoms has been deſtructive to the Britiſh carrying trade, has been lately demonſtrated by a very able writer on the ſubject; and that the indulgences granted to the Americans have injured the fiſheries, and *greatly reduced* the tonnage and ſeamen employed in theſe colonies, we can aſſert from our own ſad experience. An inſpection into the imports and exports of the iſland of Jamaica for one year, as laid before their Houſe of Aſſembly, and publiſhed in the Jamaica almanack for the laſt year, will ſhew how large a portion of the Weſt India carrying trade is engroſſed by the Americans.

If, my Lord, we have ſtated in our memorial, that it is, now, more advantageous for the merchants of this colony to diſpoſe of their fiſh in the United States, than to ſend it to the Weſt India iſlands,—we have made it a ſubject of complaint; and at the ſame time have ſet forth the reaſons why the Americans rival us in that trade. Were our commerce with the iſlands placed on a fair foundation, the ſame Britiſh ſhips would convey our fiſh thither, which now carry it to the American markets. But burdened as that trade is with inſurance againſt the enemy, and confined as it is, and ought to be, to a fair dealing in legitimate merchandize, we contend in thoſe ports with the Americans at every diſadvantage.

Had Mr. Jordan *fairly* obſerved on our petition and memorial, he would not have aſſerted that the poſitive affirmation in the former, "that theſe provinces can ſupply the Weſt Indies with fiſh," was ſhaken by a ſubſequent obſervation, "that, under certain circum-

" ſtances, the trade and fiſheries of theſe colonies would be ruined, " which, with encouragement, might be almoſt, if not entirely, con- " fined to Britiſh ſubjects." The obſervation refers expreſsly to the trade in *all* the articles enumerated in the memorial; the affirmation is confined to the ſingle article of fiſh. One reading of the paragraph referred to will entirely refute Mr. Jordan's remark.

Having already, my Lord, obſerved that the increaſe of the price of fiſh occaſioned by war is no juſt ground for the introduction of that article, from foreign ports, and in foreign veſſels, we ſhall not follow Mr. Jordan in the curious inference he undertakes to draw from our admiſſion that in war time the Americans can underſell us in fiſh. So little are we diſpoſed to require an extravagant price for our fiſh, that we moſt readily would accede to Mr. Jordan's propoſal, of fixing the maximum price of cod fiſh at eight dollars in time of war. And, indeed, could we obtain even three fourths of that price, generally, during the war, the fiſheries would ſoon flouriſh again, and the iſlands be at all times amply ſupplied with fiſh.

On the two facts with which Mr. Jordan cloſes his obſervations, we ſhall only remark that the former is conceded by us as to the flour and grain imported into Nova Scotia from the United States; and it is perfectly conſiſtent with our memorial, in which we confeſs that *this province* is deficient in the articles of wheat and corn. The other fact we muſt diſpute; and although we are not provided with documents to aſcertain the tonnage employed between the Britiſh North American provinces and the Weſt India Iſlands for the particular year 1791, yet we are furniſhed with returns of the tonnage employed in the trade to and from the Weſt India Iſlands for the year 1792, and entered at the Cuſtom Houſe in Halifax, being for one only of the two diſtricts into which this province is divided, and which we beg leave to inſert as follows:

1792.	*Outwards.*	*Inwards.*
Spring quarter, - -	886 - -	719
Midſummer ditto, - -	1436½ - -	3605
Michaelmas ditto, - -	2397 - -	385
Chriſtmas ditto, - -	1770 - -	1862½
Tons,	6489½ Tons,	6571½

It is, therefore, incredible that in the year 1791 only 4837 tons were employed in the trade between all the Britiſh northern provinces and the Weſt India iſlands, when, in the ſubſequent year, it appears by an authentic return, that in one diſtrict, of one province, upwards of ſix thouſand tons were actually engaged in that commerce.

Here, my Lord, we conclude our obſervations on Mr. Jordan's Letter, nor ſhall we preſume to intrude on your Lordſhip's patience further than to ſtate one fact which muſt demonſtrate the efficiency of the Britiſh colonies, or at leaſt of Britiſh ſhipping, to ſupply the

demands of the Weſt India markets. From the year 1785 to the year 1794 American ſhips were excluded from the Weſt India iſlands, yet they were during that period ſo well provided with articles of the firſt neceſſity, that ſhips from theſe colonies were frequently unable to find a ſale for their cargoes in our own iſlands, and were obliged to reſort to foreign iſlands for a market. By returns collected from the merchants of this province, engaged in the Weſt India trade, we find that the prices obtained by them for cod fiſh from the year 1785 to the year 1792 inclufive, never exceeded five dollars per quintal; and ſometimes fell ſhort of half that ſum. In the year 1793 we meet with a ſingle inſtance of cod fiſh ſelling for ſix dollars, but the common price, even in that firſt year of the war, was not more than three and a half dollars per quintal. The cheapneſs, therefore, of this article, clearly proves the abundance of it in the Weſt India Iſlands, and conſequently that the allowing the Americans to import fiſh in American ſhips was not a meaſure of neceſſity.

We have the honour to be, with the greateſt reſpect,

Your Lordſhip's

Moſt obedient and moſt humble ſervants,

(Signed) *William Sabatier,*
William Smith,
George Graſſie,
James Fraſer, and
William Lyon.

The Right Hon. Lord Camden,
&c. &c. &c.

No. VII.

No. VII.

NEW BRUNSWICK.

Addreſs reſpecting the Iſlands in Paſſamaquoddy Bay.

To the Honourable GABRIEL G. LUDLOW, Esquire, President of his Majesty's Council, and Commander in Chief of the Province of NEW BRUNSWICK, &c. &c.

THE joint Address of his Majesty's Council and the House of Representatives of the Province of New Brunswick, in General Assembly.

SIR,

HAVING long entertained a confident hope, that the possession of *Moose* Island, *Dudley* Island, and *Frederick* Island, in Passamaquoddy Bay, *usurped* by the State of *Massachusetts*, would never be sanctioned by any act, or avowed acquiescence on the part of his majesty's government; but that *his majesty's* indisputable right to these islands would in due time be effectually asserted; it is with very great concern that we now find from a passage in a letter from Mr. *Merry*, to your honour, stating the communications made to him by Mr. *Madison*, the *American* secretary of state, on the subject of these islands, that the *United States* do actually consider their present possession as having been so sanctioned; and that they are prepared to construe his majesty's forbearance in this behalf as having already warranted their claim of an entire right to these islands.

In the letter above referred to, Mr. *Merry*, states, "that the *Ameri-*
"*can* minister observed to him, that since *his majesty's* government
"have allowed the *United States* to remain in possession of the above-
"mentioned islands, the *waters* which surround them, to the distance
"to which the jurisdiction of any territory is usually understood to
"extend, *ought equally to be considered as American*; and added,
"that although he could not properly refer, on this occasion, to the
"*convention* between *his majesty* and the United States, *concluded in*
"*London*, on the 12th of May, 1803, because it had *not been ra-*
"*tified*, nevertheless, by that convention, *the islands* in question
"were declared *to belong to the United States*; an arrangement which
"would probably be confirmed *whenever the matter of the boundary*
"*line* between the two territories, should *again be brought into dis-*
"*cussion*; the more so, because it was *not* the article respecting

" the *Eastern* boundary on the side of *New Brunswick* which oc-
" casioned the convention to remain unratified*."

As a hope may be entertained that the convention referred to by Mr. *Madison* respecting these Islands *may* NOT yet *be ratified*: We request your honour to transmit to *his majesty's* ministers this our joint address on a subject of such importance to *his majesty's* government, and the rights and interests of his faithful subjects in this province.

After the full discussion of the question of right to these islands, in the correspondence between his *majesty's* ministers and his excellency the lieutenant-governor of this Province, *on former occasions*, particularly his excellency's dispatch to his grace the duke of †*Portland*, dated 5th August 1799, and the letters and documents therein mentioned, it may be thought superfluous to do more than generally to refer to those papers on the present occasion. We trust, however, that *the magnitude of the object* will justify our attempt to bring within a small compass the result of those discussions, adding thereto some further observations which more immediately press upon our attention, and which we hope will merit the consideration of his *majesty's* ministers.

That part of the second article of the treaty of peace between his majesty and the United States which respects the present question is expressed as follows: "East, by a line to be drawn along the " middle of the river Saint Croix, *from its mouth in the Bay of Fundy*, " *to its source, &c.* comprehending all islands within twenty leagues " of any part of the shores of the United States, and lying between " lines to be drawn due east from the points where the aforesaid " boundaries between Nova Scotia on the one part, and East Florida " on the other part, shall respectively touch the Bay of Fundy, and " the Atlantic Ocean, excepting such islands as now are, or here-" tofore have been, within the limits of the said Province of Nova " Scotia‡."

The islands hereby granted are evidently such, and such *only*, as are within *twenty* leagues of the coast, and also lie between those parallels of latitudes by which the shores of the *ceded* country are limited at their northern and southern extremities. Hence all islands, *not* within those parallels, however near they may be to the shore, are clearly *excluded* from the grant, and of those which *are* within the parallels, all such as then were, or ever had been, within the limits of *Nova Scotia*, are also excluded. From the treaty of peace, therefore, the *United States* can derive no shadow of claim to the islands in question; and *his majesty's* original right to them remains entire and incontestable.

For, we believe, it has never been controverted even by the *Ame-*

* Vide Tract. " The British Treaty, p. 30. to p. 41. wherein it is stated," " Connected also with our *Eastern* boundary, is an object of little intrinsic value, " (Moose Island), but *important* to the *trade of Massachusetts*, and to the revenue " of the United States." Editor.

† Vide ante, p. 13, 14, 40.

‡ Vide Appendix, ante, No. I. p. 67.

rican government, that these islands, always before the treaty of peace, were comprehended within the limits, and constituted a part of the province of Nova Scotia, which it was the obvious intention of the treaty to reserve to *his majesty*, by its utmost limits, a reference to the original boundaries of the province in sir *William Alexander's* patent, and to the description of the boundaries in all the commissions to *his majesty's* governors of the province, and the actual grant of two of these islands to Francis Bernard and others, by letters patent under the seal of the province of *Nova Scotia*, bearing date the 30th Oct. 1765, place this fact beyond all dispute.

These islands, at the time when the province of New Brunswick was erected in the year 1784, were all possessed and inhabited by *his majesty's* subjects; they were by an act of the General Assembly of the Province passed in January 1786, for the purpose of dividing the several countries into towns and parishes, expressly made a part of the parish of West Isles in the county of Charlotte; and their inhabitants yielded obedience to the laws of the province, in attending to the several duties which they were called upon to perform by the courts and magistrates established and appointed in that county; and we cannot but consider it as a matter of serious regret, that the possession of these islands, shortly afterwards usurped by the state of Massachussett's, and hitherto continued, has given rise to a claim of territorial right on the part of that state founded merely upon that possession.

We now beg leave briefly to hint at some of the *mischiefs* and *inconveniences* which *have resulted* from this continued usurpation. Very large quantities of lumber, furnished from the neighbouring parts of the province, are purchased by the *American* subjects and carried to these islands *for exportation*, which lumber is paid for with *prohibited articles* from the *United States*, and they in the same manner engross almost the *whole of the produce* of the *fisheries* among these islands, which is also paid for in the same manner, and thus we sustain a *double injury*. The West India islands are in a great measure precluded from receiving their supplies of fish and lumber in *British bottoms*; and large quantities of *contraband* goods are introduced into this province to the great injury of the commercial interests of *Great Britain*, as well as of the fair merchants and traders residing here.

Their situation enables the inhabitants of these islands to engross a very great proportion of the *plaster* trade from this and the neighbouring province of *Nova Scotia*, which is now become of great magnitude and extent, whereby *his majesty's* subjects are deprived of a very highly valuable carrying trade in this article.

These islands are become places of refuge for *insolvent debtors* and disorderly persons of every description, particularly of *deserters* from *his majesty's* service, all attempts to recover whom are *insolently* resisted.

By the possession of these islands, great facility is given to the conveyance in *small vessels* of *contraband* articles of every description to various parts of *this Province* and *Nova Scotia*, so that the *fair* British merchant can have *no equal competition* with these *illicit* traders, even in the sale of British and West Indian goods.

Whereas, on the contrary, if these islands were in the possession of

his majesty's subjects, very large quantities of fish and lumber would be thereby furnished by them for the supply of the British West India islands, the present ruinous contraband trade greatly interrupted, and a very beneficial *carrying trade* in the article of plaster of Paris in a great measure secured.

Or if the Americans were dispossessed of these islands, there is *no other situation in that neighbourhood* which could give them the advantages and opportunities to injure the trade of this province which they now enjoy.

To these considerations it may be added, that in case of *hostilities* at any time in the *United States*, or countenance given by them to *hostile* attacks from any *other* country, the province, by the possession of these islands, would, in that quarter, be rendered more secure from attack and capable of defence.

Impressed with the importance of the foregoing considerations, We indulge the hope, that the transmission of this address by your honour to *his majesty's* ministers may be productive of important benefits to the interests and welfare of his majesty's subjects in this province.

(Signed) *G. D. Ludlow, Speaker of the Council.*
A. Botsford, Speaker of the House of Assembly.

Presented in March, 1807.
Transmitted in June, 1807.

No. VIII.

REPORT of the Committee of the House of Commons on the Commercial State of the West India Islands.

THE COMMITTEE, who were appointed to take into Consideration the Commercial State of the WEST INDIA COLONIES, and to report their Proceedings from Time to Time, to the House; and who were empowered to report the MINUTES of EVIDENCE taken before them; and to whom all Minutes of Evidence which were taken before the Committee in the last Session of Parliament, on the West India Planters' Petitions, together with their Proceedings, were referred;—

HAVE, pursuant to the Order of the House, examined the Matter to them referred; and have agreed to the following REPORT.

YOUR committee have thought it their duty, in the first place, to inquire into the situation of the West India planters at the present moment, and for several years preceding; and have examined various respectable witnesses, proprietors of estates, who have resided many years in the West Indies, and who have had the properties of several absentees under their management; and also many merchants intimately acquainted with the expences and profits of a great variety of estates, and generally conversant with the West India commerce. From their testimony it appears, that since the year 1799, there has taken place a progressive deterioration in the situation of the planters, resulting from a progressive diminution of the price of sugar, although at the same time the duty, and all the expences attending the cultivation, have been increasing, till at length the depression of the market has become such, that the prices obtained for the last year's crop will not pay the expence of cultivation, except upon estates on a very great scale, making sugar of a very superior quality, or enjoying other extraordinary advantages.—Calculations have been laid before your committee, from the accounts of estates both in Jamaica and the other islands; by which it appears, that the British supplies and island expences amount to 20*s.* 10*d.* in the former, and to 19*s.* 6*d.* in the latter, on the cwt. of sugar, after accounting and giving credit for the amount received for the sale of rum. As these calculations are formed upon an average of years, and upon estates of the ordinary scale, and in no respects unusually circumstanced, it appears to your committee, that these sums per cwt. of sugar may be taken as the average expence of cultivation, independent of interest upon the capital; and your committee are confirmed in this opinion by finding a similar calculation in the report made by the sugar distillery committee, in the last parliament.—To this must be added an expence of from 15*s.* 6*d.* to 16*s.* per cwt. necessarily in-

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curred for freight, insurance, and other mercantile charges, between the shipping the goods in the colonies, and their being offered to market in this kingdom, forming together an amount of from 35*s.* to 36*s.* which appears, upon this evidence, to be the absolute cost to the planter per cwt. of sugar, before any return of capital can attach.—Upon a reference to the average prices published in the Gazette for the last eight months, which vary from 36*s.* to 31*s.* giving a mean price of 33*s.* 6*d.*, it appears evident that the planters must have cultivated their estates at a loss.

The intereſt which has been ſtated to your committee as what ſhould be the fair profit upon a capital of ſuch a nature as that of a ſugar eſtate, conſiſting not merely of land and negroes, but of buildings of great extent and coſt, neceſſary for the carrying on of ſuch a manufacture, and ſubject to various and peculiar riſks and viciſſitudes, is not leſs than 10 per-cent.

During the period of proſperity previous to 1800, it is ſtated, that in general the profits did not exceed that ſum; and that, from that period, they have gradually diminiſhed to $2\frac{1}{2}$ and $1\frac{1}{2}$ per-cent. till, at the preſent moment, there is no return of intereſt whatever.

It may perhaps be right to notice one exception, namely, of an eſtate moſt favourably circumſtanced in every reſpect, where the profits are ſtated to have amounted, during the four years 1795, 1796, 1797, and 1798, to 12 per cent.; but they appear alſo to have declined ever ſince; in 1801, 1802, 1803, and 1804, to have been reduced to about 6 per-cent. and in 1805, to about 3 per-cent., and ſubſequently to have ſuffered a ſtill further reduction. Appendix.

In the courſe of their inveſtigation of the ſituation of the planters, your committee thought it right to aſcertain whether it might not be in their own power, in many inſtances, to remedy the evils of their ſituation, by converting their ſugar eſtates to other more profitable cultivation; but the evidence on that point ſhews, that ſuch a converſion muſt be attended with ſo great a ſacrifice of capital, as to be out of the queſtion as a meaſure of relief.

With a view to the proſpect for the future, they have obtained a return of the quantity of ſugar at preſent in the Weſt India Docks; from which, and from other evidence, it appears, that the quantity now on hand is unuſually great for the time of year. The crop of the laſt year is alſo on the point of coming into the market.

It ſhould not be omitted further to ſtate, that for many years paſt the iſlands have almoſt entirely eſcaped the natural calamities (of hurricanes, &c.) which have occaſionally proved deſtructive to the property in thoſe countries.

In inveſtigating the cauſes of that depreſſion of the market, from whence the whole of the planter's diſtreſs appears to originate, the firſt object which ſtrikes your committee, is that extraordinary ſituation in which he is placed, which prevents him alone (in exception to every other ſimilar caſe) from indemnifying himſelf for the increaſe of duty, and of other expences attending his cultivation, by an equivalent increaſe of price to the conſumer. For it appears, that ſince the year 1799, the duty on ſugar has been raiſed from 20*s.* to 27*s.* and contingently to 30*s.* per cwt.; the expences of the eſtates are calculated to have ariſen, in many articles 50, and in others above

100 per-cent.; and the price has fallen from 69*s.* to 33*s.* 6*d.* per cwt. the average of the laſt 8 months. As it appears obvious, from the above ſtatement, that the duty is heavier than the article can bear at its preſent price, it is ſuggeſted that it might be expedient, for the relief of the home market, to extend the principle which has been adopted on the contingent increaſe of duty from 27*s.* to 30*s.*; ſo that from the maximum of duty then fixed, on a groſs price of 80*s.* affording 30*s.* duty, and 50*s.* to the planter, the duty ſhould be thrown back on a ſimilar ſcale in proportion to the depreſſion of the market, till the price arrives at 60*s.* groſs, leaving 20*s.* (the original duty) to government, and 40*s.* to the planter; or, in other words, a reduction of 1*s.* of duty on a reduction of 2*s.* groſs price, from the average then fixed for the impoſition of the new duty, as far as 20*s.*

An increaſe of the bounty on the export has been alſo recommended; and your committee are of opinion, that it would afford great relief if given as an accompaniment to meaſures of reſtriction upon neutrals, ſo as to render the expences on Britiſh and foreign produce equal in the foreign market.

A conſiderable depreciation in the price of rum having alſo taken place, it has been ſuggeſted, that the encouragement of the conſumption of that article would be a conſiderable advantage to the planter. Your committee are aware that ſuch encouragement has been given to a certain extent, but if it were found practicable to carry that aſſiſtance further, by an increaſed conſumption in the army and navy, ſuch a meaſure would, in their opinion, have very beneficial effects; or a reduction of duty on rum might afford eſſential relief to the planter, *without loss to the revenue*, which would be indemnified by an increaſed conſumption of that ſpirit.

Great, however, as are the evils of the decreaſe of price and increaſe of charges, it does not appear to your committee, that they are the original cauſes of the diſtreſs of the planter, by applying to which alone any practicable remedy he could be more than partially relieved; but *that the main evil*, and that to which theſe are ultimately to be referred, is the very unfavourable ſtate of the foreign market, in which formerly the Britiſh merchant enjoyed nearly a monopoly, but where he cannot at preſent enter into competition with the planters, not only of the neutral, but of the hoſtile colonies. The reſult of all their inquiries on this moſt important part of the ſubject have brought befo re their eyes *one grand and primary evil*, from which all the others are eaſily to be deduced; namely, *the facility of intercourſe between the hoſtile colonies and Europe, under the American neutral flag*, by means of which not only *the whole of their produce* is carried to a market, but at charges little exceeding thoſe of peace; while the Britiſh planter is burthened with all the inconvenience, riſk, and expence, reſulting from a ſtate of war.

The advantages, which the *hoſtile colonies* derive from the *relaxation of that principle*, which prohibited any trade from being carried on with the enemy's colonies *by neutrals* during war, which *the enemy* himſelf *did not permit* to thoſe neutrals *during peace*, may be in part eſtimated by reference to a ſtatement of the imports into Amſterdam alone from the United States of America in the year 1806, amounting to 34,085 hhds. of coffee, and 45,097 hhds. of ſugar, conveyed in

Appendix.

211 vessels hereunto annexed; and to a ſtatement, alſo annexed, of the amount of Weſt India produce, exported from the United States of America, between the 1ſt October 1805 and 30th September 1806.—In point of comparative expence, the advantages of the hoſtile colonies will be further illuſtrated by the evidence of Mr. Marryat, ſupported by ſatisfactory documents, which ſhew the charges of freight and inſurance on ſugar from the hoſtile colonies, through the United States of America, to the ports of Holland and Flanders, and to thoſe of the Mediterranean, to be leſs by 8*s.* 11*d.* to the former, and by 12*s.* 6*d.* to the latter, than thoſe charges on Britiſh ſugars to the ſame ports.

Your committee cannot omit to ſtate, alſo, another important advantage enjoyed by the French colonies, ariſing from the ſale of nearly the whole *French mercantile marine to neutrals*, under the ſtipulation of each veſſel being returned into French ports, *in order to be navigated as French ſhips*, within twelve months *after peace*, and with the enjoyment, during war, of the ſame privileges in the ports of France as if they were actually French; for inſtance, to import ſugar at a duty of 4*s.* per cwt. leſs than the duty impoſed on ſugar imported in neutral veſſels.

In order to counterbalance, in ſome degree, the advantages thus enjoyed by the hoſtile colonies, to the detriment of the British planter, it has been recommended, that a blockade of the ports of the enemy's ſettlements ſhould be reſorted to: ſuch a meaſure, if it could be ſtrictly enforced, would undoubtedly afford relief to our export trade.

But a meaſure of *more permanent* and certain advantage would be *the enforcement of thoſe reſtrictions* on the trade between *neutrals* and the *enemy's* colonies, *which were formerly maintained by Great Britain*, and from the *relaxation* of which, the *enemy's* colonies obtain indirectly, during war, all the advantages of peace; while our own colonies, in the intercourſe with whom that ſyſtem of monopoly which has been held eſſential to the commercial and military navy of this country is rigorouſly enforced, are deprived of the advantages under which, in former wars, they carried their produce to the foreign markets, and which in the preſent war, by means of our decided naval ſuperiority, would have amounted to the excluſive ſupply of the whole of Europe; and when thoſe extraordinary meaſures are taken into conſideration which have been adopted to exclude the Britiſh colonial produce from the European market, it appears to your committee to be a matter of evident and imperious neceſſity *to reſort to ſuch a ſyſtem*, as by impeding and reſtricting, and, as far as poſſible, preventing the export of the produce of the enemy's colonies from the places of its growth, ſhall compel the continent to have recourſe to the only ſource of ſupply, which, in that event, would be open to it.

As it may be apprehended, that from the adoption of ſuch meaſures, difficulties might ariſe in *that intercourſe*, from which the Weſt Indies at preſent derive a conſiderable proportion *of ſome of their ſupplies*, your committee have thought it their duty to make inquiry into the reſources in that reſpect to which recourſe might be had in ſuch an event. During the only period which affords an example

of the ſuſpenſion of that intercourſe, *the evidence concurs as to the fact of a ſupply having been obtained* (though not without temporary and occaſional inconveniences) from a variety of ſources which may reaſonably be relied upon in caſe of ſuch neceſſity, at the preſent moment, to a greater amount than at the former period. From the examination of perſons who, in conſequence of their reſidence in the Britiſh North American ſettlements, or extenſive commercial connections with them, poſſeſs the beſt information as to their preſent and future reſources, there is ground to believe that ſome ſupply of the principal articles of lumber might be obtained from thence immediately, and to expect that with due encouragement the quantity of that ſupply *might be increaſed to any extent.*

The ſupply of flour which they could at preſent afford to the Weſt India market would be ſmall, and of inferior quality. They appear to be capable of affording a large ſupply of fiſh, and what deficiency might exiſt in other articles of ſalt proviſions might be made up by ſupplies from Europe.

Upon the whole, the impreſſion which your committee have received is, that the trade now carried on between the Britiſh Weſt Indies and the United States of America is very convenient and advantageous to the inhabitants of our colonies, and one which they could not relinquiſh, without eſſential detriment, unleſs it were compenſated by other advantages; but that *it is not eſſential to their exiſtence*, or *equivalent to the diſadvantages* of their ſituation, in theſe reſpects, which your committee have already gone through in the preſent ſtatement.

Your committee having briefly ſtated the diſtreſſed ſituation of the Weſt India planter,—the cauſes which have gradually produced his diſtreſs, which are beyond his reach to remedy, and which muſt continue to operate with increaſed effect,—and having ſtated ſuch meaſures of relief as have been ſuggeſted to them, and ſuch as, from the beſt ſources of information, appear moſt adequate to the end in view, have only to add, that if thoſe remedies are liable to objections and difficulties, there is on the other hand the ſtrongeſt concurrent teſtimony and proof, that unleſs ſome ſpeedy and efficient meaſures of relief are adopted, the ruin of a great number of the planters, and of perſons in this country holding annuities, and otherwiſe dependent upon thoſe properties for their income, muſt inevitably very ſoon take place, which muſt be followed by the loſs of a vaſt capital advanced on ſecurities in thoſe countries, and by the moſt fatal injury to the commercial, maritime, and financial intereſts of *Great Britain.*

APPENDIX.

APPENDIX.

MINUTES OF THE EVIDENCE

OF

William Mitchell, Esq.
Joseph Marryat, Esq.
Andrew Wedderburn, Esq.
Thomas Hughan, Esq.
Charles Bosanquet, Esq.
John Blackburn, Esq.
Edward Jervis Ricketts, Esq.
John Inglis, Esq.
Thomas Wilson, Esq.
Thomas Carleton, Esq.
Alexander Henry, Esq.
John Venner, Esq.
Christopher Idle, Esq.
Henry Shirley, Esq.
Robert Milligan, Esq.
E. P. Lyon, Esq.
G. W. Jordan, Esq.

ACCOUNTS

OF

Sugar imported from all parts into Great Britain; from 1791 to 1806 inclusive; &c. . . . . .
Sugar imported from the West India colonies into Great Britain; from 1761 to 1806; &c. . . . . .
Rum imported from the West India colonies into Great Britain; from 1761 to 1806; &c. . . . . .
Coffee imported from the West India colonies into Great Britain; from 1761 to 1806; &c. . . . . .
Cocoa imported from the West India colonies into Great Britain; from 1761 to 1806; &c. . . . . .
Pimento imported from the West India colonies into Great Britain; from 1761 to 1806; &c. . . . . .
Cotton wool imported from the West India colonies into Great Britain; from 1761 to 1806; &c. . . . . .
Dye woods and other miscellaneous articles, imported from the West India colonies into Great Britain; from 1791 to 1805; &c.
The official value of exports from Great Britain to the West India colonies; from 1761 to 1806; &c. . . . . .
Spirits contracted for by the victualling board, for the use of the navy and army; &c. . . . . .
Sugar in warehouses, and afloat, in the West India Docks, on the 13th July 1807. . . . . .
Exports, from October 1805 to September 1806, from the United States of America. . . . . .
The general average prices of brown or Muscovado sugar, for 13 years, ending the 5th day January 1086. . . . . .
The general average prices of brown or Muscovado sugar, from January 1806 to December 1086. . . . .

EVIDENCE.

MINUTES OF EVIDENCE.

Lunæ, 13° die Julii, 1807.

WILLIAM MITCHELL, Eſquire, called in, and examined.

Mr. Mitchell

HOW long have you known the iſland of Jamaica, and how long have you reſided there?—I have known the iſland 44 years, and have reſided there nearly 40 years.

Are you well acquainted with various ſugar eſtates in Jamaica, and have you had, during your reſidence there, the care and management of ſeveral of ſuch eſtates?—I am very well acquainted with ſugar eſtates, and I have had a number of them under my care.

You could not ſtate how many, in round numbers?—I could not ſpeak particularly, I was not ſo much in that line as others: I have had perhaps 16 or 18 at a time.

In various parts of the iſland?—Yes; in various parts of the iſland.

Can, in your opinion, lands long employed in raiſing ſugar canes be converted to any other object of cultivation, without a great and ruinous ſacrifice of property?—Certainly not; they may be converted to other purpoſes, but not without a great ſacrifice. They might be uſed to raiſe graſs, or to raiſe corn; but in ſo doing, the ſacrifice of property would be ruinous.

Are not ſuch lands in general unfit for the profitable cultivation of other articles of Weſt India produce?—They are not fit for profitable cultivation.

What, in your opinion, is the average coſt of a ſet of works and other buildings, and machinery, neceſſary for the manufacture of ſugar on an eſtate making 200 hogſheads?—It is hardly poſſible to give a poſitive anſwer to that, becauſe one man would erect a different ſet of works from what another would; but if I were to erect a ſet of works for my own uſe, I think it would not be in my power to erect them in the ſubſtantial and convenient manner I could wiſh under 10,000*l.* current money of Jamaica. I have a ſet of works on one of my own eſtates, on which I have expended, at different times, upwards of 30,000*l.* currency.

What, according to the beſt of your knowledge, do you think, is the average value of cane land per acre?—It varies from 5*l.* to 150*l.* I have land on my own eſtate which I would not ſell for 140*l.* currency, and there are other lands which are not worth more than 5*l.* 10*l.* or 15*l.*; but if you ſpeak of good cane lands in general in cul-

tivation, they are, in my opinion, worth about 70*l.* currency, or 50*l.* ſterling per annum. r. Mitchell

Do you know if the contingent expences of ſugar eſtates incurred within the iſland during the laſt 6 or 7 years, for taxes, white men's ſalaries, hired labour, freſh proviſions, cattle, mules, and lumber, have been conſiderably increaſed, and if ſo, ſtate what you know relative to the ſame?—They have been conſiderably increaſed, every one of them; ſome of them upwards of 100*l.* per cent. Within the laſt 6 or 7 years, I could have bought a very good ſteer for 25*l.* and I could not now purchaſe one for leſs than 45*l.* or 50*l.* The war makes a difference, and raiſes theſe articles conſiderably; mules are in the ſame proportion, freſh beef in the ſame proportion, and the iſland taxes, in conſequence of the numerous martial laws in the time of war: indeed the iſland taxes are high now at all times, compared with what they formerly were.

Lumber, I believe, is a material article?—Yes, lumber of every deſcription has very much riſen; I could have bought every ſort of neceſſary lumber for plantation uſe, within theſe 6 years, for prices varying between 12*l.* and 20*l.* per 1,000.

Is there any other article in which there is a great increaſe?—Yes; in the hired labour, and the other articles enumerated in a preceding queſtion, there has been a conſiderable increaſe.

Are there not many ſugar eſtates in Jamaica, which, from their ſoil and ſituation, muſt make ſugar of a quality below the average of the iſland?—Undoubtedly, there are many eſtates which make very indifferent and inferior ſugars; indeed, I may ſay the greater proportion of them.

Can ſkill and labour improve the quality of ſugar made on ſuch eſtates; or will not ſuch eſtates, or many of them, continue to make inferior ſugar owing to their ſoil and ſituation, notwithſtanding the employment of every degree of ſkill and management?—Care and ſkill will certainly have ſome effect in making ſugar; but many eſtates muſt, owing to their ſoil and ſituation, continue to make low or inferior ſugar, notwithſtanding the employment of every degree of ſkill and management.

Does not the quality of ſugar depend in a great meaſure upon the ſoil from which it is produced?—It does, and in ſome degree upon the climate alſo; and on other cauſes, ſuch as aſpect; for where the eſtate is hidden from the morning's ſun the cane does not thrive, or get ſo well ripened.

Are there peculiar ſituations on the iſland on which good ſugar cannot be produced?—Certainly there are.

Is there not a conſiderable quantity of land of that kind in the pariſhes of Weſtmoreland and Saint Mary's, and many other pariſhes of Jamaica?—There certainly is ſo, within my knowledge.

Did you recollect the iſland of Jamacia long before the introduction of the Bourbon cane into it?—Yes, for many years before.

Did not the ſame cauſes, before the introduction of the Bourbon cane, prevent many eſtates from the poſſibility of making what are called fine ſugars?—Certainly they did; the Bourbon cane was perhaps one of the moſt valuable acquiſitions which was ever introduced into any country. I myſelf ſettled a piece of bog land when I was

Mr. Mitchell

laſt in Jamaica, by cultivating it with the Bourbon cane. I could have got only a ſmall quantity of ſugar of the very worſt quality from the ſame land, had it been cultivated with the old cane; but by planting it with the Bourbon cane, I obtained at firſt not good ſugar, but an abundant return of ſtrong-grained brown ſugar, which has been gradually improved by ſubſequent cultivation.

Do you know that there is a greater quantity of low ſugar now in the market than is uſual; to what do you attribute it?—I attribute it to different cauſes: in the firſt place, to a more extenſive cultivation in Jamaica, which has increaſed the quantity of low ſugar; and in the next place, to the quantity of low ſugar which has been lately imported from the conquered colonies.

Would not the Bourbon cane, planted in a ſoil favourable to good ſugar, in ſuch ſoil produce as good ſugar as the cane with which the iſland of Jamaica was originally planted?—No; I rather think the old cane made better ſugar, and of a firmer and more compact grain.

And do you ſay that the ſugar is not ſo ſtrong?—It is not ſo firm in point of grain, but as to ſtrength I cannot ſay, never having made any experiment to aſcertain the ſame; but I have underſtood, that ſuppoſing caſks of equal ſize to be filled with ſugar, namely, one with ſugar made from the old cane, and the other with ſugar from the Bourbon cane, that the former would weigh at the king's beam conſiderably heavier than the latter.

Do not all different ſugars, of various qualities, pay the ſame freight?—Yes; but there may be ſome trifling variation in the rate of freight from different parts of the country; but ſuch variation does not at all depend upon the quality of ſugar.

If methods were adopted for improving the quality of the ſugar within the iſland, muſt not the quantity ſhipped in all probability be leſſened?—Undoubtedly it would be leſſened.

Can you inform the committee whether the ſugar imported from the Dutch conquered colonies is inferior?—That fact does not fall within my knowledge; but I have always underſtood it is ſo.

Can you ſtate what a hogſhead of ſugar, of 14 cwt. at the king's beam, ſhould yield to the planter, free from all mercantile expences, at market, in order to give him a fair return on his capital?—I ſhould think he would not have a fair return on his capital, unleſs he got 25*l.* per hogſhead, weighing 14 cwt. at the king's beam.

Do you think 10 per cent. net, on a capital embarked in the Weſt Indies, would be too much for a planter to expect as a fair return?—No, I do not.

Not 10 per cent. too much?—I do not; my reaſon for thinking ſo is, that 6 per cent. is paid for any money borrowed by the planter, and 4 per cent. for wear and tear of lands, plantation utenſils, the loſs of negroes, and the loſs of ſtock, is but a moderate allowance.

Have not the proprietors of the ſugar colonies in general in late years, and particularly in the laſt year, ſuffered great diſtreſs owing to the depreſſed price of ſugar?—I have heard that they have.

Were not the returns from the eſtates in the 7 preceding years unuſually large?—They were not, according to the beſt of my know-

ledge; but I think the laſt year has borne harder upon the planter than any former year. Mr. Mitchell.

What were the returns for 7 years preceding 1801?—For ſome years previous to that, they were in general very favourable; I think in the year 1798 there was a good year.

In general, were not the returns of the 7 years preceding 1801 unusually large?—Yes; in general they were favourable, to the beſt of my recollection.

Do you conceive that in the 7 years preceding 1801, upon an average, the planter received more than a return of 10 per cent. on his capital?—I am almoſt ſure that he did not.

During your long reſidence in Jamaica, you muſt have been well acquainted with the dependancy of that iſland on the American States for ſupplies of lumber and proviſions; can you ſtate to the committee, whether theſe articles could be ſupplied from any other quarter?—I am ſure it is impoſſible that they can be ſupplied from any other, unleſs it be from ſome European quarter. During the American war, we uſed to get ſtaves ſometimes from Europe made up into packs, but they were both bad, and very high priced.

Do you recollect on any occaſion, when ſupplies of theſe articles from the American States were interrupted, any diſtreſs happening in Jamaica?—Yes; ſuch interruptions have occaſionally created very great diſtreſs to all deſcriptions of people, particularly to the ſugar planters; not only on account of the want of lumber, but from the difficulty of affording ſubſiſtence to the white people and negroes.

Does the iſland afford the means of making caſks to ſend home the produce, without the importation of what is called American lumber?—Some eſtates which are ſettled far back in the country, and have got wood about them, can make a ſhift to make hogſheads, but they have no means of making puncheons.

What are ſuch hogſheads made of?—Of the broad leaf and other woods that are suitable to the purpoſe.

Are not the eſtates which can ſo ſupply themſelves with caſks for ſugar very few?—Very few indeed.

Are not the great majority of the eſtates in the iſland dependent on American lumber for this purpoſe?—They are.

In what manner are American ſupplies paid for?—They are paid for part in produce, but generally in caſh or bills.

Are not rum and molaſſes the chief articles of produce which the Americans are permitted to take in payment?—Yes, they are.

Are not the Americans forbidden to take in payment ſugar and coffee?—I believe they are.

Is not the value they take in rum and molaſſes very inadequate to the amount of the lumber and proviſions which muſt neceſſarily be taken for them?—That is in fact in part anſwered, but certainly it is.

Could any adequate ſupply in lumber and proviſions be had from Britiſh North American colonies?—No, certainly not.

Does the quantity of American fiſh, made uſe of in the iſland, depend greatly on the high or low price of herrings in this country?—Certainly.

How many eſtates are you proprietor of in the iſland?—I am proprietor of four eſtates.

Mr. Mitchell

And about what number of negroes may be upon theſe eſtates?—There are, I think, about 1,300 negroes.

What has been the value of ſupplies ſent out from Great Britain and Ireland, for the uſe of theſe four eſtates, and for the uſe of the white people and negroes thereon, in any one year?—For the laſt year (1806) the amount of my ſupplies, as appears by the invoices, was upwards of 10,000*l.* ſterling.

Which conſiſted almoſt entirely of Britiſh manufactures and Britiſh produce?—Yes, Britiſh manufactures, and proviſions from Great Britain and Ireland. There were ſome iron pipes and coppers ſent out in that year, among other articles, which made the amount of the ſupplies higher than uſual.

In your opinion, would it be practicable for this country to ſupply the colonies with lumber during war with America?—I am not acquainted with all the reſources of this country with reſpect to lumber, but as far as I can ſpeak from experience, I conſider it to be impracticable.

Do you mean to include the Britiſh ſettlements in North America in your anſwer to the preceding queſtion?—I do; I conſider them to be quite inadequate.

In caſe of a war with America at the preſent time, could you reſort to any other country for a ſupply of theſe articles?—Not with the ſame advantage or conveniency.

Do you mean to ſtate, that a conſiderable quantity of ſtaves and other lumber could not be procured from the Britiſh poſſeſſions in North America?—A quantity might be procured, but not ſufficient for the uſe of the planter; white oak ſtaves for puncheons are only to be procured from the United States, to the beſt of my knowledge.

Do you know the number of negroes in the iſland of Jamaica?—I believe there are about 350,000 or 360,000.

Do not herrings compoſe a material part of the food of negroes?—Yes, a conſiderable part.

What quantity of herrings do you conſider ſufficient to give to each negro for one year?—The general ſupply for an eſtate is at the rate of 100 barrels for 250 negroes a year.

In what manner were you ſupplied with lumber during the American war?—From importations from this country, and from the Britiſh North American colonies, but principally, according to the beſt of my recollection, from American prizes.

Have you at any time found any difficulty in procuring ſupplies of fiſh from Great Britain?—I have occaſionally from ſcarcity and dearneſs.

Are the American fiſh reckoned inferior to the Britiſh?—Yes, they are inferior in price, and do not keep ſo well.

JOSEPH MARRYAT, Eſquire, called in, and examined.

Mr. Marryat

What is your line of buſineſs and knowledge of the Weſt India commerce?—I reſided in Grenada as a merchant, from the year 1782 to 1791, when I returned to England, and have ſince carried on buſineſs in London as a Weſt India merchant and underwriter.

Have you been able to aſcertain the charges attending the importa-

tion of the enemy's colonial produce into Europe, and of comparing the same with the charges upon the importation of the produce of the British colonies to the same markets?—I have in my hand a statement of the comparative charges of freight and insurance upon each, which I deliver in; and by which it appears, that the charges of freight and insurance on British sugars to Holland and Flanders, are 8*s.* 11*d.* per cwt. and to the Mediterranean, 12*s.* 6*d.* per cwt. higher than those on the sugar of the enemy's colonies conveyed to the same ports. Mr. Marryat.

STATEMENT of Freights and Insurances on Produce from the British and Foreign Coloines, in the Year 1806.

FREIGHTS.

FOREIGN COLONIES.				BRITISH COLONIES.			
West Indies to United States per cwt.	0	3	0	West Indies to London per cwt.	0	10	0
United States to Holland	0	4	6	London to Tonningen and Holland, 45 guilders per ton, or per cwt.	0	4	0
£.	0	7	6	£.	0	14	0
West Indies to United States per cwt.	0	3	0	West Indies to London per cwt.	0	10	0
United States to Mediterranean	0	6	6	London to Smyrna, £. 6 per ton Turkish of 12 cwt. or per cwt.	0	10	0
£.	0	9	6	£.	1	0	0

INSURANCES.

West Indies to United States per cent.	2	2	0	West Indies to London, 4 to 10 Guineas average per cent.	7	7	0
United States to Holland	4	4	0	London to Tonningen and Holland	5	5	0
£.	6	6	0	£.	12	12	0
West Indies to United States per cent.	2	2	0	West Indies to London, per cent.	7	7	0
United States to Mediterranean	8	8	0	London to Mediterranean with convoy	8	8	0
£.	10	10	0	£.	15	15	0

RECAPITULATION.

Extra charges on British Sugar to Holland and Flanders.

Freight per cwt. as above	£.0 14 0 0 7 6		£.	0	6 6
Insurance as above.....	12 Guineas 6 Ditto	6 Guineas per cent.	0	2	5
On Sugar valued at 40s. per cwt.....					
		Per cwt.	£.	0	8 11

Extra charges on British Sugar to the Mediterranean.

Freight per cwt. as above	£.1 0 0 0 9 6		£.	0	10 6
Insurance as above.....	15 Guineas. 10 Ditto	5per cent.onSugars	0	2	0
valued at 40s. per cwt.....					
		Per cwt.	£.	0	12 6

Upon what documents do you ground this ſtatement?—The freight of ſugar from the Weſt Indies to the United States I ground on what I know, from my own knowledge, to have been paid by planters at Trinidad; the freight from the United States to various ports in Europe on the bills of lading (which the witneſs exhibited to the committee), and the charge of inſurance, from what has come within my own knowledge as an underwriter and merchant.

Do you know whether any conſiderable quantity of the produce of the hoſtile colonies is carried direct to the European markets in enemy's bottoms?—I believe hardly ſuch an attempt has been made ſince the commencement of the preſent war, when enemy's ſhips were on ſuch voyages, without having been apprized of hoſtilities having taken place.

Whether any conſiderable quantity of the produce of the hoſtile colonies is carried direct to the European markets in neutral bottoms?—I believe not.

Do you happen to know to what extent, or nearly, the trade from the enemy's Weſt India colonies to Europe is carried on by the way of America?—I have an accurate return of the import of ſugar and coffee in American veſſels into the port of Amſterdam, for the year 1806; but have not been able to procure returns, equally accurate, of the imports in the other ports of Europe.

What is the amount of that import into Amſterdam in the year 1806?—As near as can be calculated, reducing the various packages of coffee into hogſheads of 8 cwt. each, and of ſugar into hogſheads of 12 cwt. each, the whole amounts to 34,085 hogſheads of coffee, and 45,097 hogſheads of ſugar.

Upon what documents do you found that information?—Upon the Amſterdam manifeſts, from which the account of the cargoes now delivered in is taken.

No.	Ships Names.	Masters' Names.	From whence.	Coffee.		Sugar.					Cotton	Nankeen.	Pepper	Cocoa
				Casks.	Bags.	Casks.	Tierces	Barrels	Canisters and Chests.	Bags.	Bags.	Pieces.	Bags.	Bags.
1		J. M. Miller	New York	60	291			57	372	..	49	—	—	—
		J. W. Page	Do	..	293	42 176		20	436	..	125	6,180	—	—
		P. Howland	Do	186		505	4	52	15	..	50	..	50	—
		J. S. Smith	Philadelphia	32	594	107		35	1,563	..	..	..	..	33
		C. Florence	Do	10	171				547	—	—	—	—	—
		Jno. Beat	New York	8	326	437	1	163	180	..	23	—	—	—
		E. Thompson	Do	..		273		84	138	154	—	—	—	—
		Jno. Ferrier	Do	20	200	56	1	67	744	—	—	—	—	—
		L. Riddell	Philadelphia	4	4,515				460	..	3	—	—	—
2		W. Adams	New York	..		207	2	88	810	..	259	—	—	—
		J. Mathews	Baltimore	198	1,654				365	—	—	—	—	—
		H. C. Sievers	New York	..	90	274	7			..	108	—	—	—
		R. Rummont	Salem	200,000 lb.		66		16	65	—	—	—	—	—
		W. Bell	New York	..		328	19	242	29	—	—	—	—	—
		C. Tredwell	Do	..	993	507	41	41	613	—	—	—	—	—
		A. Gross	Baltimore	..	295				21	..	40	—	—	—
3		J. Barnes	Portsmouth, N. H.	..		345		76	—	—	—	—	—	—
		Th. Field	Boston	..					307	—	—	—	—	—
4		J. Fraley	Philadelphia	179	544	6			156	829	—	—	—	—
5		J. Richards	New York			386	50	108	50	—	—	—	—	—

No.	Ships Names.	Masters' Names.	From whence.	Coffee.		Sugar.					Cotton	Nankeen.	Pepper	Cocoa.
				Casks.	Bags.	Casks.	Tierces	Barrels	Canisters and Chests.	Bags.	Bags.	Pieces.	Bags.	Bags.
5		R. Wilson	Charlestown	..	..	..	..	..	..	..	552	—	—	—
		J. Wils, jun.	Newbury Port	..	..	245	3	80	155	—	—	—	—	—
		D. Crafts	Salem	..	..	151	..	..	276	—	—	—	—	—
		F. Bartlett	Boston	..	..	387	..	..	396	—	—	—	—	—
		J. Pratt	Do	..	195	229 84	15	65	234	366	—	—	—	—
6	..	W. M. Cady	New York	..	..	..	..	..	1,079	..	95	—	—	—
		Thos. Frost	Baltimore	..	..	354	..	7	—	—	—	—	—	—
		W. Thompson	New York	..	..	150	..	15	162	..	59	—	—	—
		J. Bowles	.....	3	..	138	..	..	684	—	—	—	—	—
		T. Salterys	Portsmouth, N. H.	5	70	330	..	50	—	—	—	—	—	—
		W. Masson	Charlestown	..	..	..	..	..	500	..	160	—	—	—
7	..	A. Gorton	Baltimore	3	22	..	..	..	70	—	—	—	—	—
8	..	G. Easterby	Charlestown	..	..	..	..	..	..	..	167	—	—	—
9	..	Js. Bullock	Savannah	..	..	..	..	..	..	..	150	—	—	—
		J.G. Ganning	New York	..	..	167	41	71	88	—	—	—	—	—
		H. Dashiell	Baltimore	..	..	10	..	..	177	..	15	—	—	—
		Wastwordth	Boston	..	620	281	..	42	70	916	—	—	—	—
		A. Taylor	Charlestown	..	..	..	..	..	..	..	281	—	—	—
		H. Olney	Providence	..	..	..	..	..	..	..	58	—	—	—
	..	T. W. Norman	Baltimore	..	3,911	..	..	..	..	..	19	—	—	—

No	Ships Names.	Masters' Names.	From whence.	Coffee.		Sugar.					Cotton	Nankeen.	Pepper	Cocoa.
				Casks.	Bags.	Casks.	Tierces	Barrels	Canisters and Chests.	Bags.	Bags.	Pieces.	Bags.	Bags.
10	..	G. Totten	New York	..	237	351	2	372	469	..	80	—	—	—
		L. Salisbury	Baltimore	..	..	281	..	..	180	—	—	—	—	—
		J. Johnstone, jun.	New York	..	104	288	13	35	471	..	40	—	—	—
		N. Howy	Baltimore	..	1,749	—	—	—	—	—	—	—	—	—
		D. Stellwagen	Charlestown	..	..	..	..	..	..	..	136	—	—	—
		Rutherford	Boston	..	2,049	59	..	..	189	354	—	—	—	—
		J. Burnes	Philadelphia	..	854	..	..	..	819	..	22	—	—	—
		H. Salter	Charlestown	..	..	..	..	..	..	..	167	—	—	—
		B. Baker	Boston	..	..	205	..	..	70	343	..	40 Packages.	—	—
		J. Marsh	Newbury Port	90	..	278	6	24	6	—	—	—	—	—
		J. Jeardsley	Philadelphia	..	2,912	..	..	..	..	962	20	—	—	—
		Peter Bell	Do	87	2,587	..	..	..	97	..	252	—	—	—
		B. Giles	Salem	17	866	79	—	—	—	—	—	—	—	—
		J. Flagg	Charlestown	..	..	..	..	..	..	..	75	—	—	—
11	..	D. Sterling	New York	..	170	310	12	19	1,086	60	—	—	—	—
		R. Taber	Do	12	..	66	2	4	368	..	58	—	—	—
		A. Gibs	Charlestown	68	321	..	..	..	44	—	—	—	—	—
12	..	J. Pollard	New York	..	313	203	8	56	542	..	257	—	—	—
		A. M'Dougal	Do	..	..	..	..	..	..	..	8	—	—	—
		Dan. Hall	Baltimore	..	998	11	..	..	399	237	—	—	—	—
		N. Meyers	Do	100	..	..	..	..	1,118	1,003	—	—	—	—
		J. Priors	Do	..	2,100	—	—	—	—	—	—	—	—	—
		E. Bartlett	Do	..	3,303	..	..	..	138	—	—	—	—	—
		J. H. Dill	New York	..	..	134	14	29	363	..	..	..	..	343

No.	Ships Names.	Masters' Names.	From whence.	Coffee.		Sugar.					Cotton	Nankeen.	Pepper	Cocoa.
				Casks.	Bags.	Casks.	Tierces	Barrels	Canisters and Chests.	Bags.	Bags.	Pieces.	Bags.	Bags.
12	..	B. S. Silson	New York	..	..	234	..	49	165	..	140	—	—	—
13	..	S. Paine	Baltimore	..	..	..	..	..	..	..	23	—	—	—
		G. Miller	New York	..	347	182	1	3	283	..	145	—	—	—
		P. de Lano	Do.	66	..	206	5	51	80	—	—	—	—	—
		S. Waterman	Do	12	1,155	..	..	821	456	..	173	—	—	—
		T. J. Chew	Do	13	273	9	..	6	85	..	32	—	—	—
		W. S. Brown	Do	..	..	..	..	..	..	..	43	—	—	—
14	..	S. P. Child	Baltimore	..	3,338	..	..	27	90	—	—	—	—	—
		W. Jefferde	New York	..	47	229	113	..	594	—	—	—	—	—
		E. Pearce	Baltimore	10	2,473	..	..	..	206	—	—	—	—	—
		A. Coffin	Do	..	854	100	..	..	..	..	38	—	—	—
		Jno. Lane	Virginia	70	—	—	—	—	—	—	—	—	—	—
		N. Williams	Baltimore	...	..	..	..	25	388	..	29	..	..	300
		C. Delano	New York	5	...	237	45	402	406	..	100	—	—	—
		J. B. Cook	Wilmington	...	..	..	..	..	..	..	234	—	—	—
		M. Page	Charlestown	..	..	..	..	..	..	..	164	—	—	—
		H. Harding	New York	200	70	20	..	..	..	..	..	..	..	14 Casks.
		H. Dony	Charlestown	..	..	..	..	..	..	..	285	—	—	—
		R. Jenkins	Do	..	..	..	..	..	..	..	99	—	—	—
		G. W. Burbank	Philadelphia	74	865	23	44	..	727	..	..	..	..	48
		Levy Jay	New York	54	2,391	163	1	3	..	..	30	—	—	—
		J. Rutherford	Boston	..	..	93	154	6	595	12	—	—	—	—

No.	Ships Name.	Masters' Names.	From whence.	Coffee.		Sugar.					Cotton	Nankeen.	Pepper	Cocoa
				Casks.	Bags.	Casks.	Tierces	Barrels	Canisters and Chests.	Bags.	Bags.	Pieces.	Bags.	Bags.
15	..	J. M'Dugall	Philadelphia	30	1,848	..	..	..	132	..	..	..	200	—
		P. Sprague	Boston	31	..	61	..	53	199	..	..	62 Bales.	—	—
		J. Appleton	Do	4	629	77	—	—	—	—	—	—	—	—
		T. Laton	Do	..	12	..	..	1	386	—	—	—	—	—
		R. Dashwood	Do	..	111	..	..	..	150	1,541	9	—	—	—
		E. Gardner	Baltimore	..	910	221	..	..	100	393	152	—	—	—
		J. Green	Philadelphia	80	3,563	—	—	—	—	—	—	—	—	—
		W. Trefethers	Portsmouth, N. H.	..	188	239	..	47	—	—	—	—	—	—
16	..	C. M'Carthy	Baltimore	3	1,125	263	1	—	—	—	—	—	—	—
		J. M.Daniel	Boston	9	308	90	1	..	102	404	—	—	—	—
		J. Johnson	New York	107	202	218	27	87	327	..	285	—	—	—
		J. Ferrier	Do	1	144	265	4	93	236	..	14	—	—	—
		J. Bartlett	Boston	..	250	27	..	18	188	150	—	—	—	—
		C. Bird	Do	..	..	56	—	—	—	—	—	—	—	—
		R. Williams	Do	..	..	..	..	60	649	—	—	—	—	—
		M. Rice	New York	..	..	50	..	1	741	—	—	—	—	—
17	..	T. Bliss	Philadelphia	..	2,276	..	..	12	310	..	142	—	—	—
		A. K. Kearney	New York	279	755	231	..	14	6	112	—	—	—	—
		J. Gibson	Baltimore	..	2,141	—	—	—	—	—	—	—	—	—
		R. M. Isaacs	New York	59	905	140	31	..	248	..	99	—	—	—
		J. Lewis	Charlestown	..	..	..	..	..	376	..	50	—	—	—
		S. Holland	Newbury Port	55	32	281	9	124	..	..	22	—	—	—

No.	Ships Names.	Masters' Names.	From whence.	Coffee.		Sugar.					Cotton.	Nankeen.	Pepper	Cocoa.
				Casks.	Bags.	Casks.	Tierces	Barrels	Canisters and Chests.	Bags.	Bags.	Pieces.	Bags.	Bags.
17	..	L. S. Danbeny	New York	..	318	..	1	182	651	..	30	100 Bales	—	—
		M. Hopkins	Boston	4	..	.	..	..	457	..	12	..	400	—
		P. Warrington	Philadelphia	..	100	..	..	..	183	293	60	—	—	—
		J. P. Davis	Boston	..	..	..	..	..	100	.	4	—	—	—
18	..	W. Auld	Baltimore	..	1,692	..	..	..	73	—	—	—	—	—
		J. M. Miller	New York	..	..	..	..	..	..	..	128	—	—	—
		R. Marner	Norfolk	..	2,701	..	..	..	..	..	176	—	—	—
		J. Pratt	Boston	67	45	267	4	23	413	100	30	—	—	—
		D. Brewton	Philadelphia	..	299	..	..	..	..	7,335	..	239 Bales and 248 Bundles.	—	—
		J. Rollens	New York	39	..	76	..	43	317	..	—	—	—	—
		D. Bragdon	Charlestown	62	13	139	4	20	138	.	129	—	—	—
19	..	S. G. Jerauld	Baltimore	..	..	..	..	..	..	..	40	..	420	—
		John Nants	Do	..	2,144	..	..	..	87	—	—	—	—	—
		Lovett	Beverley	..	1,008	..	..	..	..	2,017	—	—	—	—
20	..	Jno. Munn	Baltimore	44	5,414	..	..	..	807	..	..	..	1,313	—
		J. Brown	New York	52	2,107	45	..	26	419	..	78	—	—	—
		P. Dawson	Baltimore	..	439	59	..	43	135	—	—	—	—	—
		R. Hoyt	Newberry Port	95	708	310	11	126	135	..	11	—	7	—
		T. Harding	Boston	87	89	213	4	7	50	86	—	—	—	—
		Jno. Joughin	New York	4	43	273	2	18	110	303	113	—	—	—
		Th. Ring	Baltimore	..	1,034	143	47	308	82	.	7	..	..	463

No.	Ships Names.	Masters Names.	From whence.	Coffee.		Sugar.					Cotton	Nankeen.	Pepper	Cocoa.
				Casks.	Bags.	Casks.	Tierces	Barrels	Canisters and Chests.	Bags.	Bags.	Pieces.	Bags.	Bags.
20	..	A. Morgan	New York	30	52	197	..	14	215	—	—	—	—	—
		T. Oakes	Philadelphia	64	2,370	..	..	..	718	—	82	..	664	—
21	..	J. Gladding	Savannah	..	205	..	..	..	..	..	92	—	—	—
		W. Westcott	Baltimore	..	1,242	—	—	—	—	—	—	—	—	—
		J Harding	Boston	..	..	201	..	5	112	—	—	—	—	—
		W. Newman	Do	31	47	99	7	113	398	..	3	—	—	—
		B. Halstead	New York	148	598	115	..	..	469	..	236	—	—	—
		J. W. Page	Do	..	..	173	..	10	268	..	64	—	—	—
		A. Clarke	Baltimore	137	..	..	..	..	70	—	—	—	—	—
		J. Fraly	Philadelphia	8	1,368	114	..	40	207	..	20	..	134	—
		A. Gorton	Baltimore	.	559	..	..	..	232	—	—	—	—	—
		W. Rodman	Providence	102	20	..	..	..	149	..	—	—	—	—
22	..	L. Waters	Baltimore	..	5,376	—	—	—	—	—	—	—	—	—
		E. G. Parrot	Do	..	1,628	301	—	—	—	—	—	—	—	—
		M. Cornell	Do	..	540	..	..	..	294	..	56	—	—	—
		M. Harlow	Do	..	15	..	..	..	225	—	—	—	—	—
		K. Clarke	Boston	..	..	75	105	17	207	..	20	—	—	—
		P. Roach	New York	45	143	356	16	..	38	—	—	—	—	—
		L. Chamberlain	Boston	..	229	497	..	37	432	400	—	—	—	—
		T. Wilson	Baltimore	31	1,662	..	..	..	..	..	..	..	..	6
		J. Burrough	Newberry Port	..	..	..	..	..	623	—	—	—	—	—
		E. Woodberry	Salem	..	1,800	..	..	..	261	—	—	—	—	—
		J. Johnson	New York	135	181	89	..	..	1,080	..	18	—	—	—

N°	Ships Names.	Masters Names.	From whence.	Coffee.		Sugar.					Cotton	Nankeen.	Pepper	Cocoas
				Casks.	Bags.	Casks.	Tierces	Barrels	Canisters and Chests.	Bags.	Bags.	Pieces.	Bags.	Bags.
22	..	E. Smith	Philadelphia	..	2,561 126	..	..	204	892	..	13	—	—	—
23	..	S. Carman	Baltimore	..	1,048	..	..	..	200	—	—	—	—	—
		J. Jenny	New York	..	468	74	..	23	988	—	—	—	—	—
		J. Greenfield	Do	..	737	206	2	7	291	—	—	—	—	—
		J. Brown	Baltimore	..	352	46	1	133	301	—	—	—	—	—
		W. Springer	New York	28	367	142	5	21	321	—	—	—	—	—
24	..	M. Smith	Baltimore	6	28	68	..	..	237	..	17	—	—	—
		S. Sherburn	Do	..	514	51	..	2	..	..	77	—	—	—
		C. Stone	Charlestown	..	617	94	—	—	—	—	—	—	—	—
		D. Law	Boston	84	349	227	..	21	124	..	7	—	—	—
		J. Eveleth	New York	12	44	42	..	26	..	800	—	—	—	—
		J. Howland	Do	..	..	270	40	34	—	—	—	—	—	—
		S. Richmond	Boston	104	288	8	..	10	179	56	—	—	—	—
25	..	E. Grant	Philadelphia	16	5,060	..	..	..	303	—	—	—	—	—
		S. G. Coz	New York	42	520	234	1	26	20	...	39	—	—	—
		W. Warner	Baltimore	..	2.604	..	..	..	375	133	..	..	..	39
		J. Budge	Do	..	..	106	2	3	..	..	5	—	—	—
		S. C. Hill	New York	19	506	244	4	31	71	..	19	..	..	83
		R. Bunker	Do	149	1,119	210	..	54	361	791	—	—	—	—
		J. Barner	Portsmouth N. H.	..	26	323	24	30	—	..	—	—	—	—

No.	Ships Names.	Masters Names.	From whence.	Coffee.		Sugar.					Cotton	Nankeen.	Pepper	Cocoa
				Casks.	Bags.	Casks.	Tierces	Barrels	Canisters and Chests.	Bags.	Bags.	Pieces.	Bags.	Bags.
25	..	J. Barner	Portsmouth N. H.	..	26	323	24	30	—	—	—	—	—	—
26	..	O. Noble	New York	62	53	365	5	172	—	—	—	—	—	—
		T. Wills	Philadelphia	47	1,649	102	..	138	135 / 17	1,538	106	—	—	—
		E. Simmonds	Providence	..	2,850	..	..	..	140	6	—	—	—	—
		J. Baker	Baltimore	104	365	..	..	..	59	—	—	—	—	—
27	..	G. Mooney	Do	..	2,338 / 2,089	21 / 87	..	13 / 79	311	..	62	—	—	—
		J. Homer	New York	4	191	328	10	17	38	—	—	—	—	—
		E. Tallman	Do	8	236	367	25	38	171	..	44	—	—	—
		D. Dodge	Do	..	..	..	..	..	1,417	—	—	—	—	—
28	..	N. Howy	Baltimore	6	3,023	57	—	—	—	—	—	—	—	—
		J. O. Roorbak	New York	134	330	114	..	3	40	—	—	—	—	—
		G. M'Lean	Boston	..	..	66	..	50	501	—	—	—	—	—
		J. Bowles	New York	..	48	251	..	20	143	..	1	—	—	—
		J. Fanning	Do	62	64	168	1	83	..	..	26	—	—	—
		W. Thomas	Baltimore	..	1,483	34	..	..	416	—	—	—	—	—
		S. Hammond	New York	1	377	482	..	28	60	—	—	—	—	—

No.	Ships Names.	Masters Names.	From whence.	Coffee.		Sugar.					Cotton	Nankeens.	Pepper	Cocoa.
				Casks.	Bags.	Casks.	Tierces	Barrels	Canisters and Chests.	Bags.	Bags.	Pieces.	Bags.	Bags.
29	..	J. Maffet	Philadelphia	229	3,786	39	..	..	237	800	—	—	—	—
		S. Stafford	Baltimore	325	30	299	2	1	251	..	12	—	—	—
		E. H. Tappar	Newbury Port	33	143	195	5	36	—	—	—	—	—	—
		E. Hathaway	New York	6	..	..	..	..	508	..	192	..	..	6Casks
30	..	J. Miller	Do	4	2,489	146	—	—	—	—	—	—	—	—
		J. Gould	Baltimore	..	12	—	—	—	—	—	—	—	—	—
		L. Gardner	New York	..	7,839	—	—	—	—	—	—	—	—	—
		W. Sterlon	Baltimore	..	1,168	..	..	..	388	—	—	—	—	—
		E. Fish	Do	..	..	..	..	..	710	—	—	—	—	—
31	..	P. Collard	Philadelphia	..	1,225	8	..	74	1,315	..	103	—	—	—
		S. P. Child	Baltimore	10	1,164	—	—	—	—	—	—	—	—	—
		W. Friend	Newbury Port	..	158	260	7	91	..	106	—	—	—	—
		H. Dashiel	Baltimore	..	90	82	9	8	30	—	—	—	—	—
		E. King	Philadelphia	..	2,790	20	15	..	144	..	..	..	..	33
		B. Briggs	New York	7	28	212	5	48	130	—	—	—	—	—
32	..	L. Salisbury	Baltimore	..	1,762	124	12	20	..	..	28	—	—	—
		J. Taylor	Newbury Port	105	344	..	..	..	..	..	40	—	—	—
		R. Potter	Baltimore	..	837	—	—	—	—	—	—	—	—	—
33	..	R. Taber	New York	76	58	296	..	22	228	..	..	..	..	40

No.	Ships Names.	Masters Names.	From whence.	Coffee.		Sugar.					Cotton	Nankeens.	Pepper	Cocoa.
				Casks.	Bags.	Casks.	Tierces	Barrels	Canisters and Chests.	Bags.	Bags.	Pieces.	Bags.	Bags.
34	..	E. Thompson	New York	..	7	236	..	24	359	—	—	—	—	—
		A. K. Kearn	Do	..	..	124	..	270	170	—	—	—	—	—
		J. B. Cooke	Providence	.	696	46	..	1	20	234	100	—	—	—
		B. Samson	Baltimore	..	283	..	..	..	80	—	—	—	—	—
		W. Thompson	New York	39	210	228	1	3	—	—	—	—	—	—
			Total	5,117	154497	23,015	1,054	6,717	49,282	22,907	7,925	401 Bales 248 Bundles 40 Packs 6,180 Pieces	3188 Bags	139½ Bags 20 Casks

RECAPITULATION.

Imported in 211 Vessels from the United States.

COFFEE.

		Hhds.
5,117 Casks, estimated 8 cwt. each		5,117
134,497 Bags .. do	$1\frac{1}{2}$ do. or $\frac{3}{16}$ of a hhd.	28,968
		34,085

SUGAR.

23,015 Hhds.		23,015
1,054 Tierces, each	$\frac{2}{3}$ hhd.	703
6,717 Barrels, do	$\frac{1}{6}$ do	1,119
49,282 Canisters and Chests	$\frac{1}{3}$ do	16,427
22,997 Bags	$\frac{1}{6}$ do	3,833
		45,097

COTTON.

7,925 ..... Bags

NANKEEN.

401 ..... Bales.
248 ..... Bundles.
40 ..... Packages.
6,180 ..... Pieces.

PEPPER.

3,188 ..... Bags.

COCOA.

1,394 ..... Bags.
20 ..... Casks.

To what other ſources of information do you refer for a general account of the trade from the enemy's colonies to Europe, by the way of America?—Some eſtimate may be formed of the extent to which this commerce is carried on by the ſummary of the exports of the United States, from September 30th 1805, to October 30th 1806, publiſhed in the New York Gazette of the 13th of March 1806. The foreign exports are there ſtated at 60,828,236 dollars, from which muſt be deducted the amount of European and Eaſt India goods re-exported, and which are not ſeparately diſtinguiſhed. Mr. Marryat

You have ſtated that you had no authentic document from which to judge of the extent of imports from America into other ports of Europe; can you ſay, with any degree of certainty, what proportion the imports of Amſterdam bear to thoſe of Rotterdam?—It would be in a great degree matter of conjecture; but I have been informed that the joint imports of Rotterdam and Antwerp are conſidered as nearly equal to that of Amſterdam.

Withdrew.

Martis, 14° die Julii, 1807.

ANDREW WEDDERBURN, Eſquire, called in, and examined.

IN what ſituation are you?—A Weſt India merchant, principally connected with the iſland of Jamaica. Mr. Wedderburn.

Have you had, either as proprietor, truſtee, executor, or factor, the accounts of various ſugar plantations annually paſſed through your hands, ſo as accurately to judge of the whole of the expences and returns of thoſe plantations?—I have had the accounts of ſeveral eſtates annually paſſed through my hands as a factor, ſo as accurately to judge of all the expences incurred in the conducting of a ſugar plantation.

How many eſtates do you mean to comprize?—Eight eſtates.

Are thoſe eſtates very extenſive?—Some are large, making from 4 to 5 hundred hogſheads, and others of a moderate ſize, making from 100 to 150; and others of them from 200 to 300 hogſheads of ſugar.

Does your intercourſe relate only to Jamaica?—The eſtates I refer to are in Jamaica.

Are theſe the whole of which you thoroughly know the concerns?—Yes.

Have you obſerved that of late years the average returns of ſugar plantations to the proprietors have been inadequate to the capital embarked thereon, and to the neceſſary expences of cultivation and management?—I have; I do not think the average returns, ſince the year 1799, have yielded any thing like an adequate intereſt on the capitals inveſted, after paying the neceſſary expences of cultivation and management.

What do you conſider to be an adequate intereſt or return for a capital ſo employed?—Ten pounds per cent. per annum at leaſt, after paying all charges.

Has the average return in the interval you have ſpoken of, as far as you can compute it, approached to 10*l.* per cent?—No, it has not.

Mr. Wedderburn.

Have you ever made any exact calculation?—I have not made any accurate calculation of the nett returns from the whole of thoſe eſtates, during the period above mentioned; but, from the produce of the eſtates paſſing through the houſe, in which I am a partner, I can ſay generally that the nett returns has not approached to 10*l.* per cent. upon the capital.

Have you made any computation of the return made for the ſame eſtates 7 years previous to 1799?—No, I have not.

Are you not generally convinced that the returns in that period were more favourable?—Certainly, much more favourable.

What, according to the beſt average computation you can make, may be the expence attaching in the Weſt Indies to the production of 1 cwt. of Muſcovado or raw ſugar over and above the produce of rum, including every contingent expence on the plantation up to the time of ſhipment, and all imported ſupplies, but excluſive of any allowance of return on capital?—The average charge on the 8 eſtates I have mentioned is 20*s.* 10*d.* per cwt.

What is the amount of expences attaching on the ſame cwt. of ſugar, at the preſent time, ſubſequent to the ſhipment, and to the time when it is ſold, delivered, and paid for?—The charge, excluſive of duty, is about 16*s.* of which 10*s.* is freight; about 3*s.* inſurance, and the other 3*s.* is composed of commiſſion, brokerage, and port charges.

How much of this latter charge of 16*s.* per cwt. might be ſubtracted in time of peace?—From 4*s.* to 4*s.* 6*d.* per cwt.

On what data is that calculation founded?—There would be a reduction of about 3*s.* on freight, and 1*s.* or 1*s.* 6*d.* on inſurance.

What are the principal items that conſtitute the iſland charge of 20*s.* 10*d.* per cwt.?—White people's ſalaries, and commiſſions; taxes paid in the iſland; lumber and ſtaves from America for the erection and repair of buildings, and for making caſks to bring home the produce; flour and other proviſions from America; purchaſe of cattle and mules; medical attendance on negroes, hired labour, ſtores from Great Britain and Ireland.

What are the principal articles of ſupply from Great Britain and Ireland, which are furniſhed to the ſugar plantations?—The principal articles are woollen and linen clothing, and hats, for the negroes; ironmongery and mill work, wood, hoops, and caſks. Copper for ſtills and boilers, lead, herrings, ſalt beef and pork, and a ſmall proportion of grain.

During the late diſtreſs of the trade, have not the articles for the uſe and comfort of the negroes been ſent out as uſual, without any diminution?—They have been ſent to all the eſtates I have any connection with in the ſame proportion as uſual.

During your experience, has not the coſt of all the above articles, ſent from Great Britain and Ireland, greatly increaſed?—It has.

What are the principal articles which the colonies import from the American States, and is it neceſſary that they ſhould import them from thoſe States?—The principal articles are ſtaves for caſks, for the purpoſe of ſending home the produce conſiſting of rum, ſugar and coffee, boards for the heading of ſugar hogſheads, and boards and ſhingles, with timbers of various deſcription for the repair and erection of the buildings neceſſary to carry on the manufacture of ſugar and rum; and for drying of coffee, flour, corn and

peaſe, for the negroes. Shads and other pickled fiſh are likewiſe imported from the United States in aid of the ſupply of herrings from this country, and ſalt cod fiſh are alſo imported from the United States as well as from Britiſh North America. Of theſe articles, the lumber, ſtaves, and flour, and pickled fiſh, I conceive can be procured from the United States only in adequate quantities, and at reaſonable prices. Mr. Wedderburn.

You have ſtated generally, that the returns made by ſugar plantations have, during the laſt 7 years, been inadequate; what has been the caſe during the laſt and preſent year in particular, as applying to the ſugar crop of 1806?—Many eſtates, particularly thoſe making the inferior quality of ſugar, I ſhould apprehend, have brought their proprietors in debt upon the tranſactions of that crop; i. e. the ſales of the produce have not paid the expences incurred for the making.

What is the preſent ſtate of the market, the proſpect of importation of ſugar from the colonies, and the probable means of diſpoſing thereof?—The market is in the ſame depreſſed ſtate it has been for many months paſt. And, though there has been a very conſiderable exportation within theſe few weeks, it has not cauſed an increaſe of price, the continental markets being ſupplied from the hoſtile colonies by the neutral carriers, at ſuch low prices, that the Britiſh colonies cannot afford to enter into competition with them. I have no reaſon to think that the importation of this year will fall ſhort of that of the laſt in any material degree, and until very lately, a large portion of laſt year's importation remained on hand. We cannot therefore expect to be able to diſpoſe of our ſurplus importation at an earlier period, or at better prices than we did laſt year, unleſs a new and very conſiderable conſumption is opened at home, or unleſs the acceſs to the continental markets be by ſome means or other facilitated, and its ſupply from the hoſtile colonies interrupted.

What has been the average Gazette price per cwt. excluſive of duty, for the laſt 8 months?—It has varied from 36*s.* to 31*s.* per cwt.

What is the expence per cwt. of ſugar for Britiſh ſupplies, and iſland expences, beyond the produce of the ſales of rum?—According to the accounts of eight eſtates I have laid before the committee, it amounts to 20*s.* 10*d.*

What is the expence per cwt. of ſugar for inſurance, freight, merchants commiſſion, brokerage, and port charges?—About 16*s.*

Have you any idea that the eſtates with which you are connected have, within the laſt year, made any intereſt at all upon their capital?—They have made no intereſt at all upon the average.

What has been, in your memory, the difference between the extreme prices of the beſt and worſt Muſcovado ſugar, and what is that difference now?—I have known the difference between the higheſt and loweſt price of ſugars not to exceed from ten to fifteen ſhillings per hundred weight; and I have alſo known it to amount to from thirty to thirty-five ſhillings, which it does at preſent.

Do not the extremes become more diſtant when the home conſumption is alone, or chiefly in the market, and approach much nearer when there is a ſtrong competition of foreign demand?—Certainly, there is a greater depreſſion in the price of the lower qualities compared with that of the higher, when there is the leaſt demand in

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the market, and that is generally the caſe when there is little or no demand for exportation.

Suppoſing that a return of barely ten per cent. upon his capital was an adequate compenſation to the ſugar planter for his adventure, riſk, and labour, in the cultivation and manufacture of ſugar, how much do you think, on the beſt average calculation you can make, ought he to have for each hundred weight of the article he ſhips, free from all charges whatever, in order to enſure him ſuch return?—I ſhould conceive not leſs than thirty ſhillings per hundred weight. It depends very much on the capital which may be ſuppoſed to be employed, when you come to determine the rate per cwt. that muſt come net into the planter's pocket, to give him ten per cent. upon his capital. In my anſwer, I have ſuppoſed an eſtate making on an average 200 hogſheads of ſugar, of fourteen cwt. each, which cannot certainly be eſtabliſhed at an expence of leſs than 40,000*l.* ſterling, and thirty ſhillings per cwt. on 200 hogſheads, that is to ſay, on 2,800 cwt. will give 4,200*l.* or a little more than ten per cent. I compute the capital of the eſtate as follows: 250 negroes, at 70*l.* ſterling, will be 17,500*l.*; 180 head of cattle and mules, at 30*l.* ſterling, will be 5,400*l.*; the buildings for carrying on the manufacture, negro houſes, and overſeers houſes, I would value at 7,000*l.* ſterling, which would leave the land to be valued at 10,100*l.* I conſider the value put upon the land extremely moderate, though it is entirely by ſuppoſition, becauſe ſome lands are very valuable in themſelves, and others not worth any thing, but as the means of employing the other capital. I ſhould think on ſuch an eſtate as this, the charge attaching to the ſugar, over and above the produce of the rum, would be leſs than the average of the eight eſtates I have mentioned, perhaps it might not be more than fourteen or fifteen ſhillings per cwt.

As the law at preſent ſtands, the Weſt India merchant is allowed to give only rum and molaſſes to the Americans who furniſh ſtaves?—I believe it is ſo.

What proportion of the rum and molaſſes do you imagine, on the average, is given to the Americans in exchange for thoſe articles?—In the quarter of the iſland in which I am perſonally intereſted, the Americans who ſupply the lumber will not take rum from the eſtates, the conſequence of which is that almoſt the whole of the rum made upon the eſtates I am connected with comes to this country, and the lumber and proviſions are paid for either in caſh or by bills upon this country.

Do not they take a great portion of the molaſſes?—No, the whole is diſtilled into rum on the eſtates I am connected with.

In the total ceſſation of the foreign demand, are not the lower ſorts of ſugar next to unſaleable?—They have been ſo during this laſt ſeaſon; they could only be diſpoſed of by being put up to public ſale, and ſold for whatever might be offered, which price offered is far below the real coſt of the article.

What proportion do the coarſe or low ſugars you have ſpoken of bear to the whole importation?—A very ſmall proportion of the importation conſiſts of what are called fine ſugars.

These accounts will appear at

Have you brought with you any accounts?—I have brought, firſt, the account by which I make the charge attaching to the ſugar crop, over and above the proceeds of rum, amount to 20*s.* 10*d.* on an ave-

rage of 8 estates. I have also the account of the produce and expences of six crops of one of those estates (marked No. 1. in the statement of the average charge.) The expences, on an average of the last four years, after deducting the proceeds of the rum, forms a charge on the sugar crop of this estate, of 14*s.* 2*d.* per cwt.: the buildings have not required any extensive repairs, and there has been no purchase of negroes, nor allowance made for deterioration of capital, though in 1801 there were 345 negroes on the estate, and in 1806 only 301, the excess of deaths over births being in that period 44; nor is there any charge for interest made in that account. The sugar generally sells higher than the average price quoted in the Gazette. Valuing this estate moderately, the capital cannot be taken at less than 50,000*l.* sterling, as it was in 1801, with 345 negroes; though it cost the proprietor a great deal more. The average net return is 2,148*l.* which gives a little more than 4 per cent. upon the capital; but if the average annual loss of negroes had been replaced by fresh purchases, the returns would have been only about three per cent. I have selected this account, because the estate has been making regular crops, and been under regular management, and because the charge upon the sugar crop is considerably less per cwt. than the average I have already stated.

the end of Mr. Wedderburn's examination.

At what rate did you value the seven negroes diminished?—I suppose the average price to be about 100*l.* currency, which is about 70*l.* sterling.

Had that estate, which you say has been well regulated, been able to keep up its establishment previously to this?—I have not the means of ascertaining the fact, but I consider this estate as one whose negroes have been extremely well managed, and who have been liberally supplied with cloathing and provisions, and they are well supplied with provision-grounds, and yet the result has been, that they have not been able to keep up their numbers: there has been an average annual decrease of seven negroes from the number of 345, which is about 2¼ per cent. I have an account of another of the eight estates, being the one marked No. 3. in the statement of the average charge, which, in this estate, amounts to only twelve shillings per cwt. This lowness of expences arises from there being a breeding farm attached to it sufficient to raise cattle for its own use, otherwise if they had to purchase cattle, the charge would be at least fifteen shillings per cwt. as the annual expence would have been more than is stated in the account by four or five hundred pounds sterling. This estate has 276 negroes upon it, it has made a full average crop last year, and the expences have not been more than usual. The capital cannot, I think, be taken at less than 45,000*l.* sterling. The result of crop 1806 is, that the sugar and rum sold for 3,334*l.*; the British and Irish supplies amounted to 1,290*l.*; the island contingent expences 2,119*l.* making a charge of 3,409*l.* The loss is therefore 75*l.* I make this statement in corroboration of what I have said, that estates making low sugar have not paid their expences this last crop of 1806 I have likewise brought an account of the prices at different periods, from the year 1763 down to 1806, of the different articles forming the principal expence in the island.

This account will appear at the end of Mr. Wedderburn's examination.

Does it fall within your knowledge, that, in consequence of the low yielding of sugar plantations, various annuitants, children at school,

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and others dependent upon ſuch ſugar eſtates, have either had their uſual allowances wholly, or partially withheld, within the laſt year? —It does not come within my knowledge as relating to any of the eſtates with which I am connected, but I have no doubt of the fact from general information. None of the proprietors of the eſtates with which I am connected are in the ſituation deſcribed in the queſtion.

You ſpoke of the average expences on eight eſtates; was the cultivation increaſing, or declining on thoſe eſtates, during the ſeven or eight years of which you took the average?—The proprietors were endeavouring to keep up the produce to the average rate; there was no great difference, as will appear by the accounts I have given in; in which the crops are annually ſtated.

Does there appear to have been any attempt at new cultivation? —No.

Upon an eſtate making 200 hogſheads, you value the land at 10,100*l.* but you ſtate that the value of land varies much; is the ſum of 10,100*l.* in your opinion, the average value of an eſtate where the capital is 40,000*l.*?—In ſtating the value of the land to be 10,000*l.* I ſtated it on a ſuppoſition entirely; but the ſum of 10,100*l.* is certainly far ſhort of the value that would have been put on ſuch an eſtate, in the deſcriptions and valuations of eſtates in Jamaica.

Could you ſay whereabouts the average is?—No, I cannot, becauſe the value depends ſo much on the ſituation, and the nature of the ſoil.

Are there in reſpect of the eſtates you have mentioned, where the Americans would not take the rum and molaſſes in part payment for lumber, any peculiar circumſtances which prevented their taking them upon that eſtate, or is it a general circumſtance in the iſland, that they will not take rum and molaſſes?—It is a general circumſtance in that quarter of the iſland of which I ſpeak.

Can you mention what peculiar circumſtances in that quarter of the iſland prevent their being taken there?—I do not ſay there are peculiar circumſtances that prevent the Americans taking rum and molaſſes in that quarter of the iſland more than in others, but I only ſpeak from my own knowledge to the fact, that they do not take the rum and molaſſes in payment.

Can you ſay what circumſtances prevent their taking them from that quarter of the iſland, when they do take them from other quarters of the iſland?—I cannot ſay that they do take them in other quarters of the iſland; I only ſpeak to my own knowledge, that in that quarter of the iſland they do not; the impreſſion upon my mind is, that in the other quarters of the iſland they do not take any conſiderable quantity.

You have ſtated the average expence per cwt. on a ſugar eſtate, after deducting the expences, to be twenty ſhillings and ten pence on eight eſtates; you afterwards particularized two eſtates; on one of which the expence was 14*s.* 2*d.* what can have reduced that expence ſo much below the average?—A combination of circumſtances; there is a greater proportion of negroes, and of courſe leſs hired labour; it makes large crops, and of courſe the expence is ſmaller than on an eſtate making a ſmaller crop, it makes alſo a larger proportion of rum than ſome others.

What do you mean by hired labour?—Where they hire negroes to work by the day or the week, who are not their own property. Mr. Wadderburn.

Do you know whether there is land which is not ſtocked, and on which there are no buildings, frequently on ſale?—There have been lots of uncultivated land ſold repeatedly, and where there is a ſmall lot of land of a good ſoil, near to a ſugar eſtate, a high price is often paid for it; but if a man had a lot of land not in that ſituation, and not in cultivation, I do not believe any perſon would buy it at this moment.

Withdrew.

(A.)

The CHARGE attaching to the Sugar Crop, over and above the Proceeds of Rum, on the following eight Eſtates, amounts to 20*s*. 10*d*. per cwt.

No. 1. . . being . . .	£.0	14	2	per cwt.
No. 2.	1	2	6	
No. 3.	0	12	0	
No. 4.	1	8	4	
No. 5.	1	6	3	
No. 6.	1	0	9	
No. 7.	1	5	4	
No. 8.	0	17	3	
8)	8	6	7	

Makes an average of £.1 0 10

(B.) An ESTATE in Westmoreland, Jamaica, marked (A).

Particulars of STORES for CROP 1801.		CROP 1801. Jamaica Expences	Stores shipped.	Total Expences.	Hhds Sugar.	Trs. Sugar.	Puns Rum.	Proceeds of Crop.
	Balance, being gain	2,793	1,374	4,167	193	40	75	6,480
		—	—	2,313				
				6,480				
		CROP 1802.						
Osnaburghs — 154		2,190	761	29,51	215	36	89	5,775
Corn in flour — 74	Balance, being gain	—	—	2,824				
Lime — 3				5,775				
Negro Cloathing 39								
Hats — 12		CROP 1803.						
Porter — 9		2,490	1,399	3,889	207	31	93	6,821
Wood Hoops — 45	Balance, being gain	—	—	2,932				
Medicines — 17				6,821				
Iron Ware — 53								
Soap — 7		CROP 1804.						
Tallow Candles 11		2,316	1,198	3,514	208	30	115	6,931
Gunpowder — 8	Balance, being gain	—	—	3,417				
Oil and Paint — 50				6,931				
Cheese — 4								
Pottery — 1		CROP 1805.						
Upholstery — 2		2,778	2,048	4,826	281	50	123	7,279
Stationary — 1	Balance, being gain	—	—	2,453				
Linen — 3				7,279				
Garden Seeds — 2								
Checks — 17								
Thread — 4								
Charges thereon 154								
Carried forward — £ 670								

(B.) An ESTATE in Westmoreland, Jamaica, marked (A.)

Particulars of STORES for CROP 1801.			CROP 1806. Jamaica Expences.	Stores shipped.	Total Expences.		Hhds Sugar.	Trs Sugar.	Puns. Rum.	Proceed of Crop.
Brought forward — 670										
Coals, including charges 230							180	40	85	*3,866
Irish Provisions Ditto 87			3,205	1,708	4,913					
Bricks Ditto 63						Balance, being loss	—	—	—	1,047
Herrings Ditto 314										4,913
Wood Hoops, farther Do. 10										
£. 1,374	Total —		15,772	8,488		Total —	—	—	—	37,152
	Average for 1 year		2,629	1,415	4,044	Average for 1 year	—	—	—	6,192
			Average Gain		2,148					
Those for the other years are nearly in the same proportion.						345 Negroes in 1801. 301 Do. in 1806.				

The Expences, on an average of the last four years, after deducting the Proceeds of the Rum, forms a charge on the Sugar crop of this estate, of 14*s.* 2*d.* per cwt. The Buildings have not required any expensive repairs, and there has been no purchase of Negroes, nor allowance made for deterioration of capital, though in 1801 there were 345 Negroes on the Estate, and in 1806 only 301, the excess of deaths over births being in that period 44. Nor is there any charge for interest made in the above Account. The Sugar sells higher than the average of Estates in Westmoreland. Valuing this Estate moderately, the capital cannot be taken at less than £.50,000 sterling, as it was in 1801, with 345 Negroes; though it cost the Proprietor a great deal more.

No. 1.

An ESTATE in Westmoreland, Jamaica, with about 300 Negroes, and 226 Head of Stock.

	Stores from Britain.	Jamaica Expences.	Sugar Hhds.	Do. Trs.	Rum Punchs.	Proceeds of Rum.
	£.	£.				£.
Crop 1803	1,399	2,490	207	31	93	1,618
1804	1,198	2,316	208	30	115	1,999
1805	2,048	2,778	281	50	123	2,122
1806	1,708	3,205	180	40	85	1,539
£.	6,353	10,789	876	151	416	7,278
1 Year, on average £.	1,588	2,697	219	38	104	1,819
		1,588				
Charges for 1 year		4,285				
Less Proceeds of Rum		1,819				
Cost of Sugar		2,466				

Viz. 219 hhds. 38 Trs.
equal to ..... 25 hhds.

244 hhds. Sugar cost £.2,466, or £.10. 2s. 2d. per hhd. at the time of shipment in Jamaica.
Average net landing weight of a hhd. ..... cwt. 14. 0. 21.
on which £. 10. 2. 2. ..... is ..... £. 0. 14. 2. per cwt.

No. 1, *Continued.*

The above Jamaica Expences, for 1806, consist of

Peoples Salaries and Commissions	£.	609 sterling
Live Stock, Mules, and Cattle		657
Negro Labour		480
Medical Attendance		82
Smiths Work, and Miscellaneous Charges		72
Taxes		250
Wharfage		133
Lumber for repairs of Buildings and Casks		680
Fresh Beef, 149; Herrings bought, 93		242
	£.	3,205

And the Stores sent from Britain, 1806, consists of the following:

Lime	£	6
Osnaburghs		130
Soap, Candles, and Tallow		13
Medicines and Wine for Negroes		39
Hats, Negro Clothing, and Checks		148
Upholstery, Pottery, Oil, and Paint		35
Cheese and Porter		8
Cordage, Stationary, Thread, &c.		12
Wood Hoops and Casks		81
Iron-ware, and Lead		253
Grain		25
Freight, and other charges thereon		837
Fire Bricks, including charges		130
Coals Ditto		221
Salt Ditto		10
Irish Provisions Ditto		85
Herrings Ditto		275
		1,708

No charge is made for interest of capital, or purchase of Negroes.

No. 2.

An ESTATE in Hanover, Jamaica.

	Negroes on the Estate.	British and Irish Supplies.	Island Expences.	Total Expences.	Crops made. Hhds. Sugar.	Crops made. Trs. Sugar.	Crops made. Puns. Rum.	Proceeds of Rum.
		£.	£.	£.				£.
Crop 1803 - - -	301	1,507	2,984	4,491	177	31	61	1,331
1804 - - -	292	1,321	2,807	4,128	169	46	68	896
1805 - - -	297	1,532	2,926	4,458	200	38	74	1,250
1806 - - -	302	1,651	2,995	4,646	159	39	70	989
The particulars stated below -								
Total Expences for 4 years - - -				17,723	705	154		4,466
Deduct Proceeds of the Rum - - -				4,466				
Total Expence of making { 705 hhds, 154 Trs. } Sugar - -				1,13,257				

Trs. 705 hhds.
154 equal to - 102 Do.

If 807 hhds. of Sugar cost £. 13,257 —— 1 hhd. will cost £. 16. 8. 6.
On which 14 cwt. 2 qr. 10 lb. the average nett wt. is £. 1. 2. 6. per cwt.

No. 2, *Continued.*

PARTICULARS of the Supplies, and Island Expences, for 1806.

Supplies; viz.

Osnaburgh, Negro Clothing, Hats, Jackets, &c. -	269	
Grain, Wine, Oil, Tallow, Cheese, Porter, Medicines, &c.	137	
Lime, Bricks, Glass, Rope, Corks, Stationary -	62	
Ironmongery, Lead, Wood Hoops, Oxbows, &c. &c.	301	
Convoy Duty, Custom-house Entry and Shipping charged on the above	214	
Irish Provisions, including charges - - -	130	
Herrings - - Do. - - -	277	
Coals - - Do. - - - -	232	
Salt - - - Do. - - - -	6	
Fire Bricks - - Do. - - - -	23	£.
		1,651

Island Expences; viz.

Hired Labour - - - - - -	561	
Medical Attendance, Tradesmen's accounts, fresh Beef, Wharfage, &c.	589	
Cattle purchased - - - - - -	448	
Taxes - - - - - -	324	
Lumber for repairs of Buildings and Casks, Salt Fish, &c.	548	
White Peoples Salaries, and Attornies Commissions	525	
		2,995

No charge is made for interest of capital, or purchase of Negroes.

No. 3.

An ESTATE in Westmoreland, Jamaica.—276 Negroes.

	British Stores.	Island Expences.	Hhds.	Puns.
Crop 1804 - - -	£. 1,472	£. 1,820	227	124
- - 1805 - - -	1,542	1,745	220	113
- - 1806 - - -	1,290	2,119	221	78
	4,304	5,684	668	315
Average for one year -	1,434	1,894	223	105

Average of British Supplies for 1 year - - - £. 1,434
Do. of Island Expences for do. - - - 1,894

Total averge Charge £. 3,328
Deduct Proceeds of 105 Puns. Rum, which being strong, sold on an average at £. 15. - - - 1,575

£. 1,753

Actual average landing weights 2,951 cwt. on which the above forms a charge of 12*s.* per cent.

The above are the actual expences of this Estate; but it is to be observed that they do not in fact constitute the whole charge which properly attaches to the Sugar, as there is a breeding Farm for raising Cattle combined with the Sugar Plantation, and consequently no charge is made for the purchase of Cattle to carry on the Sugar Estate: this item alone, at the price at which Cattle has been sold during these three years, would constitute a charge of at least £. 500 per annum, on an average, on this Estate, which on the average weight of the Sugar Crop, is 3*s.* 4*d.* per cwt. making the whole charge 13*s.* 4*d.* per cwt. This Estate is at a moderate distance from the shipping-place, and has plenty of wood for fuel; consequently no charge for coals.

The particulars of the Island Expences, for crop 1806, are

Salaries and Commissions - - Stg.	£. 467
Hired Labour - - -	393
Taxes - - - -	278
Lumber for Repairs of Buildings and Casks, -	
Salt Fish, &c. from America - -	566
Tradesmen's Accounts, Fresh Beef and Fish, Wharfage, Medical Attendance, &c. - -	415
	£. 2,119

No. 3, *Continued.*

PARTICULARS of STORES, for 1806.

	£.		
Lime	8	2	0
Osnaburghs	135	8	11
Soap, Candles, and Tallow	21	11	7
Medicines and Wine for Negroes	36	15	4
Hats, Negro Clothing, and Checks	136	12	11
Pottery, Oils, and Paints	36	10	7
Cordage, Stationary, and Thread	10	10	9
Wood Hoops and Casks	81	6	4
Iron Ware and Lead	242	6	6
Grain	34	14	9
Freight, Duty, and Charges	139	0	5
Salt, including Charges	12	19	9
Irish Provisions, Do.	80	11	11
Herrings Do.	313	3	7
£.	1,289	14	7

No charge for interest of capital, nor for the purchase of Negroes, is made in the above.

No. 4.

An ESTATE in Hanover, Jamaica.

CROPS.	British and Irish Supplies.	Jamaica Expences.	TOTAL.	Crops made. Hhds. Sugar.	Trs. Sugar.	Puns. Rum.	Proceeds of Rum.
	£.	£.	£.				£. s. d.
1803	930	2,270	3,173	103	30	36	758 0 0
1804	659	2,543	3,202	127	30	37	759 0 0
1805	1,139	2,169	3,308	123	25	43	679 0 0
1806 ..... The particulars stated below	860	1,920	2,780	86	30	41	414 0 0
Total Expences for 4 years			12,463				
Less Proceeds of the Rum			2,610				2,610 0 0
Total Expences of making 439 hhds. 115 trs.			9,853				

439 hhds.
115 Trs. equal to 77 Do.

If 516 cost £. 9,853 — 1 will cost £. 19. 1. 11. per hhd.
On which 13 cwt. 2 qrs. the average weight per hhd. is £. 1. 8. 4. per cwt.

No. 4, Continued.

PARTICULARS of Stores and Island Expences for Crop 1806.

Supplies; viz.

Osnaburghs, Negro Clothing, Hats, Jackets, Handkerchiefs, &c.	£. 155	
Grain, £. 16. Wine, £. 7. Cheese, £. 3. Porter, £. 5.	31	
Ironmongery, &c.	109	
Lime, Bricks, &c.	14	
Oil, Tallow, Soap, Tar, &c.	29	
Medicines	14	
Wood, Hoops, Oxbows, and Casks	38	
Corks, Stationary, Rope, Seeds, &c.	15	
Custom House Entries, Convoy Duty, and Shipping Charges	25	
Gunpowder with charges	2	
Coals, Do.	82	
Salt Do.	5	
Irish Provisions Do.	75	
Herrings Do.	266	
		£860

Jamaica Expences; viz.

Hired Labour	357	
Cattle purchased	348	
Taxes	171	
Fresh Beef, Medical Attendance, Tradesmen's Bills, Wharfage, &c.	452	
Lumber, Salt Fish, Flour, &c.	247	
Attornies Commissions, White People's Salaries, &c.	345	
		1,920

178 Negroes.

No charge for interest of capital, nor for purchase of Negroes, is made in the above.

No. 5.

An ESTATE in Hanover, Jamaica.

	British and Irish Supplies.	Jamaica Expences	TOTAL.	Crop made. Hhds.	Trs.	Puns.	Proceeds of the Rum.
	£.	£.	£.				£. s. d.
Crop 1803.	669	2,082	2,751	133	....	36	567 0 0
1804.	926	2,525	3,451	146	....	40	695 0 0
1805.	895	2,267	3,162	136	....	34	595 0 0
1806. .... Particulars stated below.	730	1,999	2,729	93	....	30	317 0 0
Total Expences for 4 years			12,093	508			2,174 0 0
Deduct Proceeds of the Rum ...			2,174				
Total Exp. of making 508 hhds. Sugar			9,919				

If 508 cost £.9,919..... 1 will cost..... £.19. 10. 6.
On which 14 cwt. 3 qr. 7 lb. the average weight, is .. £1. 6. 3. per cwt.

PARTICULARS of Supplies and Jamaica Expences, for 1806.

Supplies; viz.

Osnaburghs, Negro Cloathing, Linen, Hats, Checks, &c.	£.160
Grain, £25. Medicines, £16. Wine, £4. Cheese, £3. Porter £5....	53
Soap, Candles, Oil, Tallow, Lime, &c.	27
Ironmongery, Lead, &c.	116
Rope, Stationary, Corks, Seeds, &c.	13
Wood Hoops, Oxbows, and Casks.....	37
Custom House Entries, Convoy Duty, and other Charges.....	119
Gunpowder, including Charges	3
Salt ditto.	5
Provisions ditto.....	31
Herrings ditto	166 £.
	730

No. 5, *Continued.*

PARTICULARS of Supplies and Jamaica Expences for 1806.

Brought forward	£.730
Jamaica Expences; viz.	
Lumber, Salt Fish, Flour, &c.	225
Hired Labour	453
Cattle purchased	411
Taxes, &c.	142
Fresh Beef, Medical Attendance, Wharfage, Tradesmen's Bills, &c.	446
Attornies Commission, White People's Salaries	322
	1,999

151 Negroes.

N. B. In the above Expences no charge is made for interest on the capital, nor allowance for keeping up the strength of Negroes.

No. 6.

An ESTATE in Hanover, Jamaica.

	British and Irish Supplies	Jamaica Expences	Total Expences.	Crops. Hhds.	Ts.	Puns. Sugar	Proceeds of the Rum.
	£.	£.	£.				£.
Crop 1803.....	441	1,937	2,378	99	40	44	708
1804.....	924	1,626	2,550	123	20	73	1,106
1805.....	1,287	1,603	2,890	112	20	50	802
1806..... Particulars stated below.....	1,093	1,624	2,717	122	20	40	320
Total Expences for 4 years.....			10,535	456	100		3,136
Deduct Proceeds of the Rum ...			3,136				
Total Expence of making 456 Hhds. 100 Trs. Sugar			7,399				

Trs. 456 Hhds.
100 equal to 67 Hhds.

If 523 cost £.7,399..... 1 will cost £.14. 3.
On which 13 cwt. 2 qrs. 11 lbs. the Average Nt. Wt. is £.1. 0. 9. per cwt.

PARTICULARS of Supplies and Jamaica Expences, for 1806.

	£.	£.
Osnaburghs, Negro Cloathing, Hats, Handkerchiefs, &c.....	155	
Grain, £.25. Medicines, £.15. Wine, £9. Cheese, £.3. Porter, £.5.	57	
Soap, Candles, Oil, Tallow, Lime, &c.....	24	
Ironmongery, Lead, &c.....	93	
Rope, Stationary, Corks, Seeds, &c.....	14	
Wood Hoops, Oxbows, and Casks.....	135	
Custom House Entry, Convoy Duty, and Shipping Charges.....	97	
Coals, with all Charges thereon	224	
Gunpowder ditto	2	
Salt ditto	5	
Fire Bricks ditto.....	18	
Provisions ditto	75	
Herrings ditto.....	194	
		£. 1,093

No. 6, *Continued.*

PARTICULARS of Supplies and Jamaica Expences, for 1806.

Brought Forward	£.1,093
Jamaica Expences; viz.	
Lumber, Salt Fish, Flour, &c.	431
Hired Labour	168
Taxes	127
Fresh Beef, Medical Attendance, Wharfage, and Tradesmen's Bills	553
Attornies Commission, and White People's Salaries	345
	1,624

150 Negroes.

N. B. In the above Expences, no Charge is made for Interest on the Capital, nor Allowances for keeping up the strength of Negroes.

No. 7.

A JAMAICA ESTATE in Westmoreland, with 344 Negroes, and 233 head Stock.

	Stores from Britain.	Jamaica Expences	Crop of Sugar. Hhds.	Crop of Sugar. Trs.	Rum Puns.	Proceeds of Rum.
	£.	£.				£.
Crop 1803.....	798	1,666	89	31	37	1,119
1804.....	2,153	3,462	191	20	82	1,495
1805.....	2,969	3,253	192	40	106	1,527
1806.....	2,192	3,749	260	41	124	1,830
For 4 years.....£.	8,112	12,130	732	132	349	5,971
Average for 1 year..£.	2,028	3,032	183	33	87	1,493
		2,028				
Total Charges for 1 year.....£.		5,060				
Deduct Proceeds of Rum.....		1,493				
Charges on Sugar.....£.		3,567				

Viz. 183 Hhds.
33 Tierces equal to 22 Ditto 205 Hhds. which is £.17. 8. 0. per Hhd.

Average weight, cwt. 13. 2. 26. per Hhd. net at landing, which is £1. 5. 4. per cwt. exclusive of Insurance.

No. 7, *Continued.*

The STORES sent from Great Britain consist of the following, in 1806:

	£.	£.
Lime	8	
Soap and Candles	15	
Osnaburghs, Checks, and Negro Cloathing	336	
Medicines and Wine for Negroes	39	
Iron Ware, Copper, and Lead	355	
Stationary, Cordage, Paint, Oils, &c.	61	
Hats	37	
Grain, Cheese, and Porter	86	
Fire Bricks	42	
Wood Hoops and Casks	90	
Herrings	359	
Charges thereon	357	
		1,785
Coals, including Charges	303	
Salt ditto	12	
Irish Provisions ditto	92	
		£. 2,192

The Jamaica Expences, in 1806, consist of the following:

Salaries to White People, and Commissions	616
Stock bought	708
Negro labour	273
Repairs to Mill work, Building, and Miscellaneous Charges	549
Medical Attendance	86
Taxes	364
Fresh Beef	130
Wharfage	135
Lumber, for Buildings and Casks	888
	£ 3,749

In this Statement, the actual Expences incurred only are charged, and no Estimate is made of the Interest on Capital, or the annual diminution of the value of the Negroes.

No.

An ESTATE

	BRITISH and IRISH SUPPLIES.						
	Lead, Mill Work, Ironmongery, Utensils, &c.	Medicines, Oils, Tallow, Grain, Wine, &c.	Osnaburghs, Negro Cloathing, Hats, Handkerchiefs, &c.	Wood Hoops, Oxbows, Rope, Stationary, Pottery, &c. &c.	Convoy Duty, Custom House Entries, & Shipping Charges.	Provisions and Herrings, with Charges.	Coals and Fire Bricks, with Charges.
	£.	£.	£.	£.	£.	£.	£.
Crop 1803.....	461	254	555	159	568	785	481
1804.....	633	198	552	219	468	747	..
1805.....	836	290	653	331	728	799	646
1806.....	671	206	516	231	481	667	843

Negroes.... 519
Stock.....434

No interest on capital, or allowance for diminution in the value of Negroes, is included in this Statement.

8.

in Westmoreland, Jamaica.

EXPENCES in the ISLAND.						TOTAL	CROP made.			
American Lumber, Salt Fish, and Flour.	Cattle purchased in the Island.	Fresh Beef, Medical Attendance, Wharfage, Tradesmen, &c.	Hired Labour.	Taxes.	Attornies Commissions, Overseers and Book-keepers Salaries.		Hhds. SUGAR.	Trs. SUGAR.	Puns. of Rum.	Proceeds of the Rum.
£.	£.	£.	£.	£.	£.	£.				£.
1,122	91	1,519	1,544	479	1,004	9,022	320	50	145	3,812
563	1,520	1,729	376	535	1,070	8,610	388	80	198	3,515
1,025	1,394	479	191	523	1,021	8,916	486	80	166	2,705
1,492	603	1,367	184	566	961	8,888	472	81	164	2,599
					Total Expences 4 years	35,436	1,666	291		£.12,631
					Less Proceeds of Rum.	12,631				
Total Expences of making { 1,666 hhds. Sugar / 291 Trs..... }						£.22,805				

291 Trs. is equal to.... Hhds. 194
Add 1,666

If 1,860 hhds. cost £.22,805..... ...1....£.12 5. 3. per hhd.
Average net weight per hhd. £.14. 1. 0.
which is 17s. 3d. per cwt.

Paper (C.)

CROP 1806.

144 Hhds. 30 Tces. Sugar, produced	£.1,785	
57 Hhds. lost in the July fleet; had they arrived, would have produced about	590	
		2,375
Proceeds of the Rum Crop		1,238
		3,613
Deduct Insurance on Sugar and Rum		279
		£.3,334
British and Irish Supplies	£1,290	
Island Expences	2,119	
		3,409
Loss		£.75

On an Average of three years, the Expences, after deducting the produce of the Rum, forms a charge on the Sugar Crop of this estate of only 12*s.* per cwt. which arises from a Penn being attached to it sufficient to raise Cattle for its own use; otherwise if it had to purchase Cattle, the charge would be at least 15*s.* per cwt. and the Island Expences would have been more by £400. to £500. Sterling. It has 276 Negroes on it, made a full Average Crop last year, and the Expences in the same proportion.—The Capital, valuing it moderately, cannot be taken at less than £.45,000 sterling.

Paper (C.) *Continued.*

RATES of Contingent Charges on Jamaica Estates; from the year 1763.

	From 1763 to.... 1773	From 1773 to.... 1783	From 1783 to.... 1789	From 1789 to.... 1794	From 1794 to.... 1799	From 1799 to.... 1806
	Sterling.	£.	£.	£.	£.	£.
Head Overseer's Salaries	£.70 to 100	70 to 100	100 to 120	100 to 150	120 to 180	150 to 215
1st Bookkeeper and Distiller's Ditto	21 to 28	28 to 35	35 to 43	43 to 45	45 to 50	50 to 60
Junior Bookkeeper's Ditto	17 to 20	20	20 to 22	22 to 25	25 to 35	35 to 50
Red Oak Staves, pr. 1000	6 to 8	8 to 11	7 to 10	8 to 15	15 to 33	22 to 30
White Oak Staves, pr. Ditto	7 to 10	7 to 21	9 to 12	9 to 22	22 to 36	28 to 32
Mules	19 to 21	19 to 28	18 to 22	22	22 to 36	36 .. ..
Steers	7 to 10	9 to 14	9 to 11	8/. 10s. to 14	14 to 29	29 .. ..

Extracted from Accounts,

Wadderburn and Co.

THOMAS HUGHAN, Eſquire, called in, and examined.

Mr. Hughan.

STATE to the committee your connection with the Britiſh Weſt India colonies, and the means you have had of acquainting yourſelf with the Weſt India trade?—I am a Weſt India merchant, connected particularly with the iſland of Jamaica, and have been acquainted with its trade for the laſt twenty years and upwards; I reſided in the iſland of Jamaica twelve years of that time, and the laſt ten years in London, and I have had ample occaſion to be well acquainted with Weſt India commerce.

Have you had, either as proprietor, truſtee, executor, or factor, the accounts of various ſugar plantations annually paſſing through your hands, ſo as accurately to judge of the whole of the expences and returns of thoſe plantations?—The accounts of various ſugar plantations in the Weſt Indies have paſſed through my hands, as an agent or factor, not as a proprietor, or in the capacity of executor or truſtee, ſo that I am enabled to judge of the whole of thoſe expences and returns.

Have you obſerved of late years, that the average returns of ſugar plantations to the proprietors have been adequate, or otherwiſe, to the capital embarked thereon, and to the neceſſary expences of cultivation and management?—The average returns of late years, from ſugar eſtates, have been very inadequate to make any ſuitable returns for the capital embarked, and the expences incurred in the management of plantations.

To what cauſes principally do you attribute ſuch inadequacy of the returns?—To low prices, enhanced charges, and high duties in this country.

What are the principal articles of ſupply from Great Britain and Ireland, which are furniſhed to the ſugar plantations?—Various articles for the clothing and food of negroes, for the erection and maintenance of works and buildings.

You have ſtated generally, that the returns made by ſugar plantations have, during late years, been inadequate; what has been the caſe, during the laſt and preſent year in particular, as applying to the ſugar crop of 1806?—During the laſt and preſent year, the prices have been uncommonly low, ſo much ſo, that in many inſtances within my own knowledge, whole crops of ſugar from particular eſtates have not produced net in this country, to the planter, more than one-half they did to the planter twenty years ago, when the charges of cultivation, and other expences, were comparatively exceedingly ſmall.

What is the preſent ſtate of the market, the proſpect of importation of ſugar from the colonies, and the probable means of diſpoſing thereof?—Under preſent circumſtances, the proſpect is perhaps more diſcouraging than it hitherto has been; I ſpeak of the circumſtances of the preſent day; we have a very conſiderable quantity of ſugar upon hand, a large import ſhortly expected, and the acceſs to foreign markets apparently more difficult than it ever has been during the laſt year.

What importation has taken place since the 1st April last?—Only one of the annual fleets of this ſeaſon, namely, one from the Windward iſlands, has yet arrived. Mr. Hughes.

What other importation is expected in the courſe of this year?—I calculate that the import this year will be pretty much the ſame as laſt; perhaps a ſmall reduction.

Are there not many eſtates in Jamaica, which from their ſoil, expoſure, and ſituation, muſt make ſugar of a quality always below the Gazette average price, and which therefore muſt, by the preſent circumſtances of the trade, be under peculiar depreſſion?—Undoubtedly there are many ſuch eſtates, the proprietors of which, of courſe, muſt ſuffer more from the preſent depreſſed prices, than the proprietors of plantations which make better ſugar.

What has been, in your memory, the difference between the extreme prices of the beſt and of the worſt Muſcovado ſugar at the London market, and what is that difference now?—I cannot ſpeak for any conſiderable length of time back, but the difference of price between the worſt quality and the beſt is about thirty, or from thirty to thirty-five ſhillings per hundred weight.

Do not the extremes become more diſtant when the home conſumption is alone, or chiefly in the market, and approach much nearer when there is a competition of foreign demand?—They do ſo.

Does not the quantity of ordinary and inferior ſugar made in Jamaica far exceed the quantity of fine ſugar produced there?—Undoubtedly it does; the quantity of fine ſugar forms but a ſmall proportion of the total quantity manufactured in Jamaica.

Are there not many ſituations in Jamaica, where, from the nature of the ſoil, it is not practicable to improve by cultivation the quality of the ſugar?—There are many plantations in Jamaica on which, from the nature of the ſoil, the quality of the ſugar cannot be ameliorated in any conſiderable degree.

Have not the proprietors of the ſugar colonies, and others dependant thereon, in general, ſuffered great diſtreſs in the courſe of the laſt year, in conſequence of the depreſſion?—I have known ſome inſtances of conſiderable diſtreſs, and I believe it muſt be general.

What are the meaſures, in your opinion, calculated to relieve the diſtreſs of the ſugar planters?—Any thing that would tend ſo to increaſe the conſumption as to advance the price, would undoubtedly tend to relieve the planters.

What meaſures do you conſider beſt calculated to produce that effect?—With reſpect to the home conſumption of ſugar, a reduction of the duty would undoubtedly be ſome relief to the planters, but that alone, in the preſent circumſtances of the ſugar colonies, would not be ſufficient; the production of ſugar in the Britiſh colonies now ſo much exceeds the conſumption in this country, that we muſt neceſſarily be to a conſiderable extent dependant upon the foreign demand; that foreign demand is in a great meaſure ſupplied by the means of neutrals, who carry the produce of the French and Spaniſh ſettlements at much lower rates than we can the produce of the Britiſh colonies through the medium of this country; any

Mr. Hughan. meaſure therefore, that would tend to impede that neutral commerce, would certainly very much relieve the market of this country, or any meaſure which might be adopted in this country, that would tend to enable Britiſh colonial produce to meet that of foreign colonies in the markets of Europe, by increaſed bounties or otherwiſe. The ſpecific meaſure to which I allude, as beſt calulated to impede the trade of neutrals with the colonies of our enemies, would be a blockade of the ports of thoſe colonies, particularly of Martinique, Guadaloupe, and Cuba.

What have been the loweſt prices at which you have known the coarſeſt ſugar ſold, within the laſt eight months?—I have known Jamaica ſugar ſold as low as fifty ſhillings per hundred weight, including the duty of twenty-ſeven ſhillings.

Have the contingent expences of ſugar eſtates incurred within the iſland, namely, for taxes, white men's ſalaries, hired labour, freſh proviſions, cattle, mules, and lumber, been conſiderably increaſed of late years, and if ſo, ſtate what you know relative to the ſame?—Within the laſt twelve or fifteen years, many of thoſe articles have doubled in price, and ſome of them have advanced in a much greater ratio.

Can lands, long employed for raiſing canes, be converted to any other object of cultivation, without a great and ruinous ſacrifice of property?—According to my opinion, they cannot.

Has not the price of Britiſh ſupplies, furniſhed for the plantations in the Weſt Indies, conſiderably riſen of late years?—Yes; the price of many of the principal articles have been doubled.

Is it neceſſary that the Britiſh Weſt India colonies ſhould have a direct intercourſe with the United States of America, for ſeveral articles required for the uſe and maintenance of ſugar plantations, and if ſo, ſtate what they are?—Many of the articles moſt eſſentially neceſſary for the plantations can only, in my opinion, be procured in adequate quantities, and at prices which the planters can afford to pay, from the United States of America, ſuch as lumber of all kinds, flour, rice, and other articles of food for the negroes.

Can an adequate ſupply of thoſe articles be had from the Britiſh North American colonies?—Moſt aſſuredly not, in my opinion. The Britiſh North American colonies cannot ſupply many of the articles, ſuch as rice, pitch, pine, lumber, flour in ſmall quantities only, and of inferior quality; ſeveral other articles of lumber are not grown in the Britiſh provinces.

In what way did the Britiſh colonies obtain a ſupply of thoſe articles during the American war?—It will be recollected, that during the American war a conſiderable part of what now forms the United States of America was in poſſeſſion of the Britiſh forces, and from thoſe parts occaſional ſupplies were received; there were alſo captures to a conſiderable extent taken by the cruizers, which afforded a certain quantity; and though occaſionally there was a great ſcarcity, as I underſtand, of particular articles, yet upon the whole, the inconvenience was not found to be quite ſo great as might naturally be ſuppoſed. Flour, ſtaves, and other articles, uſually ob-

tained from America, were all ſent from this country, and although not ſo ſuitable for the planter's uſe, were made to anſwer the purpoſe. Mr. Hughes.

Does your anſwer refer to the Britiſh Weſt India colonies generally, or only to Jamaica?—I wiſh it to be underſtood, that my anſwers relate to Jamaica ſolely.

In the caſe of a ſuſpenſion of a direct intercourſe with the North American States, do you conceive there would be means of obviating the inconveniences likely to reſult to the Britiſh colonies, from the interruption of that intercourſe?—Any ſuſpenſion of the direct intercourſe between the United States of America and the Britiſh colonies, would certainly occaſion great evils to the latter; but ſome reſources may perhaps be found to obviate a part of thoſe evils; I do not think they could be entirely averted or removed.

In conſequence of the facilities of intercourſe now allowed to neutrals with the enemy's ſugar colonies, does not the produce of thoſe colonies reach the neutral and hoſtile markets without interruption?—According to the beſt information I have been able to obtain, the whole of the produce of the hoſtile colonies reaches the places of its deſtination with little or no interruption, by means of neutral carriers, with greater facilities, and at leſs expence, than the produce of the Britiſh colonies.

If relief, in ſome mode or other, be not ſpeedily adminiſtered to the Weſt India trade, will not the moſt ſerious inconveniences, and, in many caſes, total ruin enſue?—The preſſure which the planter, and all dependant on, or connected with him, has ſuſtained for a length of time, is faſt approaching to that criſis, that nothing but inevitable ruin can be the conſequence, unleſs ſome alteration in circumſtances takes place.

Withdrew.

Mercurii, 15° die Julii, 1807.

CHARLES BOSANQUET, Eſquire, called in, and examined.

STATE to the committee your connection with the Britiſh Weſt India colonies, and the means you have had of acquainting yourſelf with the colonial trade?—My connection with the Britiſh colonies is that of agent or factor to the planters in the ſale of their produce; and my means of acquaintance with the Weſt India trade is derived from fourteen years experience in that line of buſineſs. Mr. Bosanquet.

Are your concerns with the Weſt Indies, and particularly with the Windward and Leeward iſlands, very extenſive?—Yes; they have been very extenſive as long as I have been in buſineſs, and are ſtill of great importance.

Have you had, either as proprietor, truſtee, executor, or factor, the accounts of various ſugar plantations annually paſſing through

Mr. Bosanquet.

your hands, so as accurately to judge of the total of the expences, and the returns of those plantations?—I have had occasionally, but not universally, the plantation accounts through my hands, but my acquaintance is much more with the general results, than with the detail of the island expences, or what passes in the island; the total of the expences I am certainly acquainted with.

Have you observed that, of late years, the average returns of sugar plantations to the proprietors have been inadequate to the capital embarked thereon, and to the necessary expences of cultivation and management?—From about the year 1801, I consider the returns of the West India estates to have been regularly diminishing in proportion as the expences have increased; and, as far as I am acquainted with the capital invested in the property, the returns have on an average been very inadequate. In the present year, I conceive, on many estates, the returns will do little more than pay the expences.

When you speak of the present year, you mean the sales that apply to the crop of 1806?—I do.

What is the best average computation you can state of the expences attaching in that part of the West Indies with which you are acquainted, to the production of a hundred weight of Muscovado or raw sugar, after allowing for the produce of the rum, including every expence, both of supplies imported, and of contingencies within the islands, but not including any thing for the supply of negroes, or as a return for capital?—The expence on different estates, and in different situations, is so various, as to make it extremely difficult to answer this question with precision; but I have of late taken considerable pains to ascertain it upon a very extended scale, as well in the islands with which I am connected myself, as in the island of Jamaica, in which my concerns are small; and though on some estates the expence may not exceed eight or nine shillings per hundred weight, yet I do not think that any fair ground of calculation can be made on a less average than about 19*s.* 6*d.* per hundred weight; this is the result of a very extended calculation, in which some of the expences would run as high as thirty-one shillings per hundred weight.

To what causes do you principally impute the inadequacy of the returns since 1801?—I attribute it to an excess of importation beyond the home consumption, which has rendered the sale of the growers produce dependant on exportation, not only for the consumption of the quantity, but also for his price, which I conceive to be formed on a standard inadequate to his expences. I mean the market price on the continent, which market can be, and is supplied with sugar at a cheaper rate than it can be grown by the British planter, and according to the axiom that the price of a commodity will entirely depend on the price at which the surplus can be sold. It is obvious that the market price at home has, ever since the importation materially exceeded the home consumption, been governed by the price on the continent. Owing to this cause, as I conceive, or to some others, the average gross price of sugar since the year 1801 has been less by about a shilling per hundred weight than from the year 1791.

to 1796, though the increaſe of duty ſince that period is, on an average of the ſame period, eleven and ſixpence per hundred weight. Mr. Bosanquet.

What are thoſe average prices of the two periods to which you refer?—Sixty-nine ſhillings and two pence was the average groſs ſale price from 1791 to 1796; the average duty of that period being thirteen and eight pence; the groſs price for the ſix years 1801 to 1806, 68*s.* 3d. The average duty of that period being twenty-four and a penny.

What is the amount of expences, commonly called mercantile expences, attaching on an hundred weight of ſugar, from the time it is ſhipped in the Weſt Indies to the time when it is ſold and delivered, incluſive?—I believe it varies from about 14*s.* 4*d.* to 16*s.* 6*d.* according to the rate of freight from different colonies.

You mean then to ſtate, that, according to the beſt computation you can make, each hundred weight of ſugar, at whatever price it may be ſold, does, before the planter can put any thing into his pocket, coſt him not leſs than from 34*s.* to 35*s.*?—I believe that to be a fair average calculation.

Is this excluſive of the duty?—Certainly.

What has been the late average price, duty excluded?—I have not noticed any price beyond 36*s.* in the Gazette, for ſome time paſt.

How much of the mercantile charge of 14*s.* to 16*s.* 6*d.* do you ſuppoſe might be ſubtracted in caſe of peace?—This will principally depend on the rate of freight; if ſhips can be navigated as cheap in the next peace as they were before the French war, I ſuppoſe the difference will be about four ſhillings to four and ſixpence.

What are the principal items which conſtitute the iſland contingencies, which you have ſtated to amount to nineteen ſhillings and ſixpence?—They may be divided into two claſſes, the expence incurred in Great Britain for ſupplies ſent out, and thoſe incurred in the colony beyond the produce of rum, for which bills are drawn on planters at home for the eſtates in the Leeward iſlands, with which I am principally connected; the firſt and moſt expenſive items are grain and flour, which being bulky commodities, enhance the expences by the freight to a very conſiderable extent; the next items of conſequence are clothing for the negroes, hoops, iron work of all deſcriptions, coopers' mill work, and all the neceſſary utenſils of manufacture. The bills from the colony are drawn for coſt of proviſions there purchaſed; mules, ſalaries to overſeers and other perſons in truſt, iſland taxes, ſtaves purchaſed from the Americans for the formation of hogſheads, timber for mill work and building, where thoſe are not found upon the ſpot; againſt theſe expences, the produce of rum is in the firſt inſtance deducted, and, for the balance, bills as before mentioned are drawn on the planter.

What are the items that conſtitute the mercantile charge of from 14*s.* to 16*s.* 6*d.*?—The freight; the inſurance; the dock rate, or the expences of taking the ſugar out of the ſhip, and placing it in the warehouſe; warehouſe rent, wherever the property is on hand above three months, and the merchant's and the broker's commiſſion, and cuſtom-houſe fees.

What is the preſent ſtate of the ſtock on hand of ſugars; of the demand, and the expected importation, and the probable means of

Mr. Bosanquet. disposing thereof?—A great deal of sugar has recently been sold at very low prices, but it is not therefore to be considered as consumed; and I apprehend the stock on hand in the dock, and in the hands of the refiner, from the old crop, very much to exceed all former precedent. A demand arose in the spring, in consequence of the alteration of the bounty on refined sugars; but as this exportation took place at an unusual period of the year, I apprehend it will be found to militate very much against the usual demand for the new crop: this crop I am inclined to suppose will be a very large one; it certainly will be so in the islands with which I am more particularly connected, and I do therefore anticipate still greater difficulties than those which have already been experienced, in the disposal of that crop, when it shall arrive.

Supposing that a return of barely ten per cent. upon his capital was an adequate compensation to the sugar planter for his adventure, risk, and labour, in the cultivation and manufacture of sugar, what is the best average calculation you can state of the net sum, free from every expence whatever, which he ought to receive for each hundred weight of sugar, in order to give him such return?—Without pretending to give a precise answer to this question, I should think, probably, somewhere from twenty-five to thirty shillings.

You mean to say then, that in the present state of the charges, sixty to sixty-five shillings per hundred weight, exclusive of duty, should be the average price of sugar, in order to give the planter a bare ten per cent. upon his capital?—I do not think less than this will give him ten per cent.

Can you state, from your own experience and knowledge, that the present distress of the trade is experienced in various directions by annuitants, widows, mortgagees, and others, who have been usually entirely dependant upon the colonies for their annual income?—I am quite certain of the fact.

Do you consider that ten per cent. is an adequate return for property embarked in the sugar colonies?—I think few estates that have been sold, have been purchased with a view to a less return; because I do not recollect to have heard of any estate being sold for more than ten years purchase, upon a net return of an average of years; many I have known to be sold for much less, at very protracted periods of payment.

Are you acquainted with many sales of estates made under the late disadvantageous returns?—The property has been very unsaleable of late years, but I have known several estates lately forced to sale to pay their debts.

In estimating the return which you consider ought to be made by property in the West Indies, do you not take into account the very precarious tenure by which that property is held, and the many casualties to which it is subject?—Doubtless I do; and I would not personally, under all the casualties to which West India estates are subject, exchange an estate, producing four per cent. in this country, for an estate in the West Indies supposed to produce ten.

Are you acquainted with the progressive increase of price of those articles which are supplied from Great Britain and Ireland for the use of the sugar plantations, and if so, state to the committee the re-

fult of your experience on that ſubject?—The increaſe is imme- Mr. Bo-
diately within my obſervation, and I will give particular inſtances of sanquet.
it; but when I explain, in the firſt inſtance, that much of the food, all of the clothing, all the utenſils for manufacture and implements of cultivation, are ſent from this country, it will be obvious to the committee, that the increaſe of expence to a Weſt India eſtate has kept pace with the increaſe of expence in this country; to which muſt be added the increaſed rate of charge at which they are conveyed. On the average of three years, from 1792 to 1794, we paid for oats 28*s.* 2*d.* the average of the three laſt years is 35*s.*; for flour in the former period we paid 16*s.* 4*d.* in the latter about 34*s.*; for hogſheads in the former period 14*s.* 4*d.* and in the latter 21*s.* 8*d.*; puncheons in the former period 19*s.* 8*d.* in the latter 30*s.* 6*d.*; oil cakes to feed the mules, were in the former period 10*l.* per thouſand, in the latter 17*l.* 17*s.*; hoops in the former period coſt 83*s.* per thouſand, in the latter period they coſt 130*s.*; the increaſed price of cordage has been from 40*s.* per hundred weight, to 70*s.*; copper in the former period about 20 pence a pound in a manufactured ſtate, in the latter period about 24 pence; the increaſed price on clothing has been comparatively ſmall; on iron work the increaſe of price is about twenty to twenty-five per cent.; the price of herrings is doubled.

During the late diſtreſs of the trade, have not the ſupplies, in reſpect to quantity, particularly ſuch as were neceſſary for the uſe and comfort of the negroes, been ſent out as uſual?—From about ſome period, ſix or ſeven years ago, the date I cannot exactly fix, I conceive all the ſupplies, of the nature alluded to, to have been conſiderably increaſed in quantity, and they have been always, under all circumſtances of diſtreſs, ſent out adequate to the wants of the eſtates; but I have reaſon to believe, that in the preſent ſeaſon a very material deficiency of ſupplies will be found, as a great proportion of the ſhips have gone out empty.

To what cauſe do you attribute the reduction in the amount of the ſupplies ſent out during the laſt year?—I conceive it to ariſe from the ſcarcity of money in the trade, inducing moſt houſes to confine their ſhipments to thoſe things abſolutely neceſſary for the cultivation and uſe of the eſtates, and withholding all adventures for ſale, which generally compoſe a conſiderable proportion of the outward-bound cargoes.

What effect will the deficiency of the ſupplies ſent out have upon the ſituation of the ſlaves?—I conceive no effect whatever, becauſe the deficiency of ſupplies ſent out will inconvenience only white or free perſons who might have purchaſed them; the eſtates, under my ſuppoſition, being ſupplied as uſual.

Upon the whole, does it conſiſt with your knowledge, that the diſtreſs of the growers and importers of ſugar, and thoſe dependant upon ſugar plantations, has been within the laſt five or ſix years progreſſively accumulated, and is at preſent exceſſive?—Doubtleſs, it does conſiſt with my knowledge, that the returns from Weſt India property have been progreſſively leſs in the laſt five or ſix years; and as in the preſent year the average net price per hundred weight is eight or nine ſhillings leſs than on the average I before gave, which

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average was twelve ſhillings leſs than that of a period fifteen years paſt, I think the diſtreſs which has ariſen to the proprietors from a loſs of twenty ſhillings per hundred weight, muſt be obvious.

What are the meaſures, in your opinion, calculated to relieve the diſtreſs of the ſugar planters?—Any meaſure which would increaſe the home conſumption, would moſt effectually produce relief; or relief would probably reſult from any meaſure which ſhould render ſugar more ſcarce and dear on the continent of Europe.

What meaſures do you conceive are beſt calculated to increaſe the home conſumption?—No practicable mode of material importance, and rapid effect, ſuggeſts itſelf to me, except the introduction of ſugar into the diſtilleries.

Do you conſider that this meaſure would render the home conſumption equal to the produce brought into the market?—I do not.

What meaſure do you conceive beſt calculated to aſſiſt the export trade?—I conceive the trade will at once be relieved by any meaſure which ſhould ſo far interfere with the intercourſe now carried on between the foreign colonies and the continent of Europe, as ſhould either materially leſſen the ſupply which the continent now receives from foreign colonies, or ſhould impoſe ſuch charges on the neutral trade as would enable the Britiſh planter to meet the neutral importations in foreign markets on equal terms of competition.

What particular meaſures have you in view in that anſwer?—The blockade of Martinique, Guadaloupe, and the port of the Havannah, in the firſt inſtance, or ſuch additional charges on the foreign trade, or bounty on the Britiſh exports, as ſhall render the expences on Britiſh and foreign produce equal delivered in the foreign market.

Do any meaſures occur to you by which the planters could be relieved in the home market?—I think it moſt probable, that, at the preſent low price of ſugar, a reduction of duty might not affect the price, and the rather as, though the laſt crop has ſold very low, it has ultimately been taken out of the market on this ſuppoſition. Material relief would be afforded to the planter, if inſtead of taking a certain duty of 27*s.* per cwt. whatever be the price of ſugar, the duty were taken by a per-centage on the average gazette price. The ſcale which I had formed on this ſubject proceeded on a ſuppoſition that the duty ſhould be taken at 50 per-cent. on the ſale price, excluſive of duty, as publiſhed in the Gazette; it was propoſed that the duty ſhould be ſet monthly, and the gradations of the ſcale not to be leſs than 4*s.* per cwt. on the gazette price.

If relief, in ſome mode or other, be not ſpeedily adminiſtered to the Weſt India trade, what in your opinion is likely to be the conſequence?—Without immediately adverting to the inconveniencies to which merchants and opulent traders may be expoſed from the nonpayment of intereſt, and the deterioration of the ſecurities they hold, I conceive the diſtreſs which already prevails, and which is daily increaſing, exceeds and is of a different deſcription from any ariſing from diſappointment in commercial adventure. The parties intereſted in Weſt-India property, ſo far as I am concerned with it, are for the moſt part long-eſtabliſhed families, reſident in Great Britain, who participate in the net produce; as, widows entitled to jointures, younger children entitled to intereſt on legacies, mortgagees, perſons beneficially intereſted

under marriage ſettlements, annuitants generally in ſmall ſums; all which parties are for the moſt part entitled to payment before the proprietor of the eſtate can appropriate any part of the produce to his own uſe; theſe payments have, to my knowledge, on the largeſt and on ſome of the beſt properties in the Weſt Indies, fallen very generally into arrear ſince Michaelmas laſt; and it is obvious therefore, that the proprietor can have no means of defraying the ordinary expences of his family. A very remarkable inſtance is now before me, of a gentleman poſſeſſing one of the largeſt properties in the Weſt Indies, whoſe eſtate, ſubject to no incumbrances, did not produce in the laſt year a ſum equal to the amount aſſeſſed on him for the property tax, on a return of produce for the three preceding years, and who is now called upon to pay above 1,000*l.* for this tax, though it is improbable that even the preſent year's crop will enable him to pay the amount; yet he paid about 8,000*l.* duty to government on his laſt crop, and will pay as much on this. The diſtreſs univerſally is become ſo great among thoſe wholly dependent on Weſt India concerns, that I am not aware that it would be materially increaſed by the total annihilation of the properties; and I conceive it to be an object of the utmoſt importance, that ſome beneficial change ſhould be immediately effected. Mr. Bosanquet.

Withdrew.

EXTRACT of the Minutes of Evidence taken before the Committee appointed in the *laſt* Seſſion of Parliament.

Mercurii, 22° die Aprilis, 1807.

JOHN BLACKBURN, Eſquire, called in, and examined.

HOW many years have you reſided in Jamaica?—It is thirty-five years ſince I went to Jamaica; I reſided there thirty-two years. Mr. Blackburn.

Are you acquainted with various ſugar and other plantations in that iſland?—I am.

Have you had any ſuch plantations under your care and management?—Several.

What number?—About thirty.

What are the different deſcriptions of property inveſted in the cultivation of ſugar, coffee, and cotton?—Land, buildings, negroes, cattle, mules, machinery, tools, and utenſils of almoſt every deſcription.

Which ſide of the iſland were you on?—I have been on all ſides; latterly on the ſouth-eaſt.

In all ordinary caſes, muſt the converting of a ſugar plantation to any other object of cultivation be attended with a great and ruinous ſacrifice of property on the part of the proprietor?—Undoubtedly.

Explain to the committee how that ſacrifice is incurred?—The works and buildings of all kinds are totally loſt; the land becomes of very little value, as it can only be uſed for paſture-ground, producing a ſcanty ſupply of very bad graſs; generally, indeed, it runs into foxtail and other ſour graſſes, but in ninety-nine caſes in a hundred

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a converſion is impracticable, and a total abandonment is the only alternative. In this caſe new land muſt be purchaſed; houſes muſt be built both for the white people and for the negroes, and works muſt be erected anew. The negroes, too, muſt be fed at an enormous expence, till the proviſions of their own raiſing are ripe. Their removal is attended not only with great loſs to their maſters, but with very great loſs and ſerious hardſhip to themſelves, and conſequently produces much diſſatisfaction; they are torn from their houſes, their proviſion-grounds, their gardens, and orchards, (which they conſider as much their own property as their maſter does his eſtate.) Their local habits and attachments are deſtroyed; their domeſtic comforts are loſt to them, and cannot be replaced for years. When arrived at the new eſtate, they experience all the inconveniencies which generally attend ſettlers; houſes muſt be erected, and new ground broken up for their future proviſions, and this at a time when the ſituation of the maſter calls for a more than ordinary portion of their labour; and till their own proviſion be raiſed, it may well be ſuppoſed when every article of food comes direct out of the pocket of the maſter, their allowance, even under the moſt liberal management, will not be ſo ample as in uſual caſes, even admitting, what will ſeldom happen under ſuch circumſtances, that the maſter poſſeſſes the means of ſupplying them amply. After all this, no return can be expected from the new plantation ſooner than four years, ſhould coffee be planted, and I know nothing elſe that can be cultivated except upon a very ſmall ſcale, with any probability of ſucceſs. Such difficulties can only be encountered by thoſe who have money or very good credit; but unfortunately, the holders of ſuch eſtates as have become unprofitable, and which ought, in prudence, to have been early abandoned, have lingered on in hopes of better times, and, from the extreme reluctance of making the ſacrifice which inevitably attends an abandonment, till their credit as well as property is gone, and the abandonment, inſtead of being voluntary, is enforced by creditors. Of what little value ſugar eſtates become, when deprived of their negroes and ſtock, can, I think, be beſt explained by two or three inſtances in point. There were two eſtates in my own immediate neighbourhood, one belonging to the heirs of a perſon of the name of Sinclair, and the other to the heirs of Forſter March. The negroes and cattle upon thoſe eſtates were taken hold of by the creditors, and the lands were ſold by writ of extent. To the beſt of my recollection, the lands upon Sinclair's eſtate were valued by the jury, and ſold to the creditors at 13*s.* 4*d.* currency an acre; the works included; and upon March's eſtate, I think it was twenty-five ſhillings currency per acre for the land, including the works. There is an inſtance alſo which relates to myſelf; I think in the year 1790, I purchaſed an eſtate from Bourdieu and Challot, of this town, which they, as creditors, had been obliged to take, for which I paid 2,500*l.* ſterling, and I believe the works and utenſils upon it could not have coſt leſs than 10,000*l.* beſides all the land, about 900 or 1,000 acres: poſſibly thoſe eſtates I have mentioned might have coſt the proprietor, with the buildings upon them, twenty or five and twenty thouſand pounds currency, and they were ſold at the prices

I have ſpoken of, after they were deprived of their negroes and cattle. Mr. Blackburn.

Explain to the committee why the converting of a ſugar plantation to any other object of cultivation will be attended with a great and ruinous ſacrifice on the part of the proprietor?—Lands that have been long under cane cultivation are ſo exhauſted, that they are rendered very unfit for any other cultivation; and ſugar works, with ſome few exceptions, are ſituate in a ſoil and climate where no other cultivation can be profitably carried on. The converſion of lands which have been under cane cultivation to other purpoſes would not, in my opinion, be in general practicable: the land is unfit, and the works would be entirely loſt. Such properties can only be converted into bad pens, which, even at the preſent price of cattle, would be ruinous; but the multiplication of pens, and decay of ſugar works, would increaſe the number of cattle, and diminiſh the demand for them, and make the ruin tenfold.

Would thoſe works which have been erected upon a ſugar plantation be of little or no uſe on a coffee or cotton plantation?—The works that are fit for making of ſugar, if they could be moved to a place where coffee would grow, might be, with ſome alteration, converted to tolerably good coffee works; but coffee will not grow upon old ſugar eſtates, and the works muſt conſequently be uſeleſs.

Can thoſe eſtates, which have been generally uſed as a ſugar plantation advantageouſly, be made uſe of for coffee or cotton?—They cannot. The planter muſt continue to make ſugar, or ſubmit to an abandonment; he has no other alternative: in the firſt caſe he will probably be ruined; but in the latter, if he has no other property, he inevitably muſt.

May there not be eſtates, which have not been worn out by the making of ſugar?—They, of courſe, will continue to make ſugar. Some eſtates, from the quality of their ſugar, and others from the comparatively ſmall expence they are wrought at, owing to favourable local circumſtances, are ſtill in ſome degree profitable, and will become more ſo as their leſs fortunate neighbours are ruined, which muſt, if there is no favourable alteration, ſoon be the caſe with numbers.

Are thoſe lands which have been made uſe of for the purpoſe of growing ſugar, ſuitable for graſs?—Graſs will grow upon them, but very bad graſs; it will not pay for the fencing, and putting and keeping them in order.

Could they be applied to piemento?—Piemento grows wild, it is never cultivated; and beſides fifteen or twenty years would elapſe, before it would come to any thing.

What is the value of buildings and machinery on a ſugar plantation, taking the loweſt and higheſt, with which you are acquainted?—I ſhould ſuppoſe, from three or four thouſand pounds ſterling, to twenty or five and twenty thouſand pounds.

What are the values of theſe eſtates to which you apply thoſe ſums?—Very uncertain, it does not follow that the beſt eſtates have the moſt expenſive works; there are circumſtances which attend the carrying of water, frequently to a great diſtance, which make a difference in the expence.

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What number of hogſheads will thoſe eſtates you ſpeak of make?—The greateſt crop I ever knew an eſtate make, with one ſet of works, was a thouſand and thirty odd hogſheads, of about 18 cwt. on an average as they are ſhipped; 15 to 16 cwt. here; but eſtates in general make from one to 300 hogſheads.

What is the avarage value of cane land, that is, land fit for the ſugar cane per acre?—It is almoſt impoſſible to make an average; ſome cane lands are worth 140*l.* or 150*l.* currency an acre, but 70*l.* currency will be a pretty good average, in which I include the canes upon the land; I mean the land with the growth upon it.

Will you ſpeak of any prices you have known cane land valued at, in the ſelling an eſtate without the crop upon it?—The canes I believe generally go with the land, and are included in the valuation; about 140*l.* or 150*l.* currency, is the greateſt price I have ever known. In valuations there may be, and generally is a part of the land with canes, and ſome with none.

What is the average value of mountain land, fit for coffee or paſture, per acre?—That depends ſo much on the locality, it is impoſſible to average it; ſome may be worth 20*l.* ſterling an acre, and others, from being at a diſtance from all roads, may not be worth above ſix or eight ſhillings an acre.

What price do you recollect having been given per acre for land not brought into cultivation, but capable of being brought into cultivation?—I do not recollect that I have known more than 20*l.* given for ſuch lands, but then they muſt be in the mountains, and fit for coffee.

What would land under no ſpecies of cultivation ſell for, as an addition to a coffee plantation, or a proviſion-ground?—I have no recollection of more than 20*l.* ſterling having been given; if a man happens to have a few acres of land lying very advantageouſly into a neighbouring plantation, he may get 100*l.* an acre, but in general, twenty or five and twenty pounds an acre for wood and land, even in the beſt ſituations, will be a high price.

Have the contingent expences of ſugar eſtates incurred within the iſland, ſay for taxes, white men's ſalaries, hired labour, freſh proviſions, cattle, mules, and lumber, been progreſſively increaſing within the laſt twenty years?—They certainly have increaſed very much.

Can you ſtate at the intervals of twenty, fifteen, ten, and five years ago, the prices or amount of the principal of thoſe items, on any given ſize of eſtate?—I cannot particularly at thoſe times, but within the laſt twenty years, working cattle have ariſen from twelve and fifteen pounds, to forty-five pounds, and ſometimes as high as 60*l.*; mules from about 25*l.* to 45*l.* and 50*l.*; freſh proviſions, beef for inſtance, from 6*d.* and 7½*d.* to 20*d.* a pound; ſtaves from perhaps 12 or 14 pounds, to 35*l.* and 45*l.* a thouſand; hired labour is about doubled in the ſame time; taxes have increaſed very much, but I am not prepared to ſtate the proportion. The ſalaries of book-keepers, and people of that deſcription, are more than doubled. Overſeers about 30*l.* or 40*l.* per cent. advance; all thoſe prices are Jamaica currency. I cannot ſtate the increaſe in a progreſſive way; there have been variations at different times; at one time during the

American war, ſtaves were very high, and for a very ſhort time after the laſt peace beef got down to a ſhilling. Mr. Blackburn.

Can you ſpeak as to the neceſſity of having an intercourſe from the Weſt India colonies directly with the United States of America, for ſeveral articles neceſſary for the uſe and maintenance of the ſugar plantations?—I can only ſpeak as a matter of opinion; I believe it to be eſſentially neceſſary.

Can you, from your own experience, and equally as a matter of opinion, ſay whether ſuch a ſupply as is neceſſary for the uſe of the ſugar plantations can be had from the Britiſh North American colonies?—I believe they could not ſupply us; I have underſtood that the Britiſh colonies of North America have been obliged to apply to the American States for ſome of the articles we require.

Are there not many eſtates in Jamaica which, from their ſoil, expoſure, or ſituation, muſt make ſugar of a quality always below the average quality of the iſland, and therefore muſt, in the preſent circumſtances of the market, be under peculiar depreſſion?—Undoubtedly.

Can thoſe eſtates by any change of manufacture, in your opinion, make a Muſcovado ſugar materially different from what they do at preſent?—I ſhould imagine not; the quality of the ſugar depends more on the ſoil than on any other circumſtance.

Can the ſugar planter change the cultivation of his lands to coffee and cotton, when the price of ſugar is low, and thereby profit by better prices being given for ſuch articles?—I conceive it impoſſible.

I think you ſtated, in two inſtances that came within your own knowledge, yeſterday, of ſugar plantations having been what is called thrown up, and the land ſold; that in one of thoſe, the land was worth 13*s.* 4*d.* and the other 25*s.* per acre; what would thoſe lands have been worth, or what would they have been valued for in a ſtate of cultivation for ſugar canes, in your opinion?—They have been again made ſugar works by the people that purchaſed them, and I ſhould ſuppoſe at this moment the cane lands, with the canes upon them, would value at 70*l.* an acre; and if by any accident they ſhould be deprived of their negroes, as they were before, the lands would be of no more value than they were when formerly bought.

You ſtated yeſterday, that within the laſt twenty years there has been a very great advance in the price of all articles that were neceſſary for the maintenance of a ſugar plantation, ſome double, others treble, and upwards?—Yes.

Do you happen to know what the actual net proceeds to the proprietor of a hogſhead of ſugar was twenty years ago in the Engliſh market, and what it now is?—I do not; one hogſhead nets three times as much as another; I ſhould imagine that 15 years ago a hogſhead of ſugar netted twice as much as it does at preſent.

When you ſtated yeſterday, in anſwer to a queſtion concerning the difficulty of converting ſugar eſtates into cultivation, that that you conceived it could not be done without great diſadvantage, becauſe there would be a neceſſity for removing the negroes, did you mean to ſtate, that negroes cannot be removed from one ſituation to another without great diſadvantage and loſs?—I meant to ſtate, that negroes cannot be removed from one

Mr. Blackburn.

ſituation to another without great diſadvantage and loſs; and I alſo meant to ſtate, that the works theſe negroes removed from would become altogether uſeleſs, and the lands they removed from of very little value: the negroes have proviſion grounds, and houſes, and gardens round each houſe, and plenty of fruit trees, and they have, at ſome little diſtance, other lands, which they cultivate for the maintenance of themſelves and families; they have gardens round their houſes, which are planted with fruit-trees and vegetables of various kinds; every houſe has a garden round it, of a quarter or half an acre or more; they are attached to the ſpot, and they are attached to the graves of their forefathers; their houſes are, in a great meaſure, of their own building, and may be worth twenty, twenty-five, or thirty pounds each. I wiſh alſo to ſtate, that in the infancy of a plantation, the negro proviſion-grounds are near their houſes, which again are cloſe to the works; that in the extenſion of the plantation, it becomes neceſſary to cultivate in canes the negro proviſion-grounds, and give them others at ſome farther diſtance, and in doing ſo, it is a matter of great delicacy, and to be done with much leiſure and caution; you muſt give them other grounds of better quality, and well ſtocked with proviſions fit for uſe, and pay them money to get their conſent to make the exchange. You muſt particularly take care, by bribery or otherwiſe, to get the ſanction of the head people, or your ſlaves would probably get diſcontented, and careleſs of their own property and of yours, and very ruinous conſequences muſt enſue when ſo partial a movement as this requires ſo much precaution. You will judge of the conſequences of a removal of many miles into a new country and a new climate.

You ſtated that our American colonies were ſupplied from the United States with many of the ſame articles that are exported from the United States to the Weſt Indies?—I have underſtood they are with flour, and other articles of proviſion.

Are ſugar eſtates, when they are thrown up, capable of growing corn?—Yes; but it will coſt ten ſhillings-worth of labour to get half-a-crown's worth of grain; beſides, almoſt every plantation riſes corn to ſupply itſelf; the only demand is for the towns, and the converſion of a very few ſugar plantations to corn fields would glut the market.

The common courſe of ſugar cultivation furniſhes a proportion of manure every year?—A very conſiderable quantity.

Does it produce a greater proportion than the cultivation of cotton?—Neither cotton nor coffee produce any manure at all.

Do you know, from your general acquaintance with the iſland of Jamaica, particularly, that there has been of late years a very general diſtreſs among the planters?—I imagine there has been a very general diſtreſs within theſe laſt two or three years; many eſtates not only do not pay the contingencies, and return no intereſt for the capital veſted in them, but even bring a man in debt, from his making ſugar at a greater price than he ſells it for.

You ſaid many eſtates muſt make ſugar within the average quality of the iſland, what do you conceive the ſuperabundance of low ſugar in the market at preſent is owing to?—I ſhould imagine the glut of

low ſugar is increaſed by the great importation from the Dutch colonies. Mr. Blackburn.

Is it not, in any degree, occaſioned by the growth of a particular cane in the Weſt India iſlands?—I do not think it is; it is, perhaps, increaſed by the extravagant price ſugar bore ſome few years ago, which cauſed an increaſe of the cultivation; all the beſt land was in cultivation before, and the high price induced people to take in lands not ſo well calculated for the production of good ſugar. The new cane has undoubtedly added to the quantity of ſugar made, but it has made no alteration in the quality. I mean lands which make good ſugars under the old cane make, where all circumſtances are equal, as good ſugar under the new cane; the good and bad qualities ſtill bear the ſame proportion to each other; but the additional lands which have been taken into cultivation upon old plantations make inferior ſugar, the beſt lands having been previouſly occupied.

Though there might be a loſs in the courſe of the firſt few years, in making a converſion to cotton and coffee, by and by might not the cotton and the coffee plantation, converted in that manner, make a very good return for the preſent, and ample amends for the previous loſſes?—I think not; it would be total ruin to the planter, in the firſt inſtance, who made the change; what might happen in the courſe of time to the perſon who bought his negroes from him, or from his creditors at half price, I cannot ſay; for ſold they muſt be, if he had not other funds and other means than what aroſe out of his plantation.

Withdrew.

Mercurii, 15° die Julii, 1807.

EDWARD JERVIS RICKETTS, Eſq.

Called in, and examined.

ARE you a proprietor of a plantation in the iſland of Jamaica?—Yes; I am. Mr. Ricketts.

Where?—In the pariſh of Weſtmoreland, an eſtate called Canaan.

What is the average produce of that eſtate?—I think it ſhould average about 250 hogſheads of ſugar. I went to Jamaica about ſeven years ago, and at that time I found the eſtate in a very reduced ſituation. The negroes were very much reduced, both worn down and reduced in number. My firſt object was to recruit the ſtrength and condition of the negroes as much as poſſible, and likewiſe to add other negroes to the eſtate.

Previous to your going to Jamaica, on the general ſtate of the caſe what may be called in round numbers the average produce of the eſtate?—It ſhould average about 250 hogſheads.

What has been the average produce of the eſtate in groſs numbers, do you think?—Not more than 150 hogſheads, to the beſt of my recollection.

On what average of years is that?—On an average of ſeven years.

Are there any particular circumſtances which have affected the produce of that eſtate, which have tended to leſſen the quantity of

Mr. Ricketts.

the produce?—Yes; when I firſt went to Jamaica, I found about 140 negroes on the eſtate, to which I added, in the courſe of my ſtay there, 90; but I thought it politic on the whole to ſpare the new negroes as well as the old; the old on account of their reduced ſtate, and the new on account of their not being capable of the exertion which they would be after they ſhould be ſeaſoned. The laſt year's produce was 184 hogſheads, I mean the crop of the laſt year.

Then you conſider it an eſtate of 250 hogſheads?—Yes; I think this year, from the account I have received, that it will ſhip 215 or 220 hogſheads. I have not got any letters by this packet; but by information I had by the preceding, we had then made 130 hogsheads.

Was it not the reduced ſtate of the negroes which contributed to the ſmall produce of the eſtate?—Yes; and other circumſtances.

The eſtate being under-manned, and thoſe negroes being overworked?—They would have been over worked, if I had increaſed the produce.

Does this eſtate make better or worſe ſugar than the general average of eſtates in the neighbourhood?—I think it makes better ſugar than moſt of the eſtates in the pariſh of Weſtmoreland, as far as I can obſerve. I think there are 63; and I believe I have been on every one of them.

Has this eſtate, conſidering the ſtate of the Weſt-India trade, been conducted with the utmoſt economy during the laſt ſix or ſeven years?—Yes; with the utmoſt poſſible economy. I was there myſelf, and my object was, as I did not make large crops, to make what I did with as little expence as poſſible.

Do you recollect the amount of the Britiſh ſupplies altogether, on an average of the few laſt years, or of any particular year?—I have taken a memorandum of the laſt year, I mean applicable to the crop ſhipped home laſt year (1806) it was 618*l.* 11*s.* 7*d.*

That is the Britiſh ſupplies?—Yes; the Britiſh ſupplies.

Theſe ſupplies were neceſſary for the conducting of the eſtate, and for the comfort of the negroes, and did not contain any article of luxury or unneceſſary expence?—None whatever; nor does this compriſe the herrings. It compriſes the beef and butter, but not the herrings. I have the liſt of the ſupplies in my pocket, if the committee wiſh to ſee it. There is no heavy article, no copper, nothing of that ſort which is occaſionally ſent out.

Has this eſtate been valued at any time for the purpoſe of ſale, and when?—It was valued in the year 1800 or 1801, I do not recollect exactly; but I can obtain the original or a copy of the valuation. I thought I had it in town with me, but I have not. The ſum was about 53,000*l.* ſterling.

Was any offer made to you of a purchaſe of it in conſequence of that valuation?—An offer was made me by one of the gentlemen who valued the eſtate.

To take it at the valuation?—Yes; to take it with ſome ſmall deductions.

To pay you for it upwards of 50,000*l.*?—About 50,000*l.* This gentleman was in treaty with me for it ſeveral times, and I think

would have purchaſed it; but from the death of my brother, who was a joint proprietor, I had no longer power to grant a title. Mr. Ricketts.

Can you ſtate the expences of the year?—The Britiſh ſupplies were 618*l.* 11*s.* 7*d.*

Britiſh money?—Yes; the iſland contingencies were 1,555*l.* ſterling

What were the principal items of the iſland contingencies?—The ſalaries of the white people, the taxes, the lumber, and the proviſions, in which I include the article of herrings. There are freſh proviſions for the white people, but flour and biſcuit for the negroes are included; but I could diſtinguiſh the particular items if it were deſirable.

Can you furniſh any particular account of the iſland contingencies of any other year, ſeparated under their general heads? Here is one; it is an abſtract.

[Delivers it in*]. * Vide poſt.

Have the amounts in your experience of the laſt ſeven years, as to the coſt of any given quantity of the Britiſh ſupplies, and the coſt of any given quantity of iſland contingencies, increaſed?—Certainly, conſiderably.

Has it been increaſing for the laſt ſix or ſeven years progreſſively?—Not as to all articles, but as to the expence of Britiſh ſupplies that has been progreſſive; but with reſpect to the cattle on the iſland of Jamaica, they were nearly as dear when I went there as when I left the iſland.

But the expences of any given quantity of ſupplies exported from Great Britain and Ireland to the iſland have increaſed?—Yes, they have.

Then as to the return made to you, on this economical management, what proportion has the return borne to the eſtimated capital offered to you in the year 1801 for the eſtate?—I think not above one and a half per cent, if ſo much. The return of this crop of 1806 is 964*l.* ſterling.

On a computed capital of 50,000*l.*?—Yes, on that capital. There were 184 hogſheads of ſugar, and 64 puncheons of rum; the rum being high-proof, netted about 15*l.* upon the average the puncheon, and the ſugar about 12*l.* per hogſhead.

You ſpeak of the crop of 1806?—Yes, I do.

But you ſpeak of an average return of ſix or ſeven years, when you ſay that the net return was one and a half per cent?—I do; but I cannot ſpeak correctly, for the eſtate being in an exhauſted condition, I was always purchaſing negroes or ſtock during my ſtay, and the accounts are ſo blended that I cannot ſpeak to the former period, but only as to 1806. In 1806 there is no purchaſe or charge of that ſort.

There is no charge for negroes in the account?—No, there is not. I continued purchaſing them up to the time of my leaving the iſland; but there has been no addition made to the negroes or cattle ſince. There are now 831 negroes upon the eſtate.

Suppoſing, if you had had that number of negroes on the eſtate, ſeaſoned there, would there have been a larger return?—Yes, there would, no doubt.

Mr. Ricketts. And the deficiency is from the negroes not being worked up to their power?—Surely. I expect from the ſame capital and negroes that the crop will riſe progreſſively to 250 hogſheads of ſugar, or more.

Are theſe 230 negroes included in the valuation of 50,000*l.*?—They were, as I had that number on the eſtate at the time, though I afterwards removed ſeveral, but replaced them by others.

I think you ſtate that the expence of the laſt year was 1,555*l.* ſterling?—Yes; that is the iſland expences.

Do you happen to know, by compariſon of the accounts of eſtates of ſimilar magnitude, if that is under or above the average expences?—I can ſay poſitively, for I have ſeen the accounts of many. I have had the management of ſeveral eſtates, but they were only thoſe of particular friends; but I am ſatisfied that my contingencies are much below the ordinary run of contingencies. It may be as well to obſerve, that this quantity of rum being high-proof rum, I conſider to be above the proportion of rum to that quantity of ſugar. This was high-proof rum.

Do you mean that the net return is 964*l.* after paying all the expences?—Yes, after paying all expences. I ſhould obſerve, that this account of iſland contingencies does not include the purchaſe of ſtock. Neither cattle nor negroes are in it, becauſe we provided the eſtate with negroes before.

Then next year you will require a ſupply of cattle?—That may be ſo, or it may not; I may be able to go on with the ſame cattle two years. In general the quantity of cattle is from 110 to 120.

Dr..... ..... Edward Jervis Ricketts, Esq. in Account

		£.	s.	d.	£.	s.	d.
1806.	To Matthew Wright, for amount of Account delivered.....	124	17	1½			
	1805						
	April 8.—To Postage 6s. 3d. 13, Cash 10s. 15, Postage 3s. 9d.	1	0	0			
	To Amount of Benjamin Capon's Account..	11	5	0			
	To paid L. M'Dougale's Account against Estate of J. Somerville	20	3	4			
	To paid D. Walker's Account versus Mr. Rickets	3	5	0			
	To paid John Dobson	7	19	7			
	To paid Alexander Burt's Account	20	0	0			
	To amount of my Account against Fanny Jones	17	10	0			
	April 22.—To Postage 15s. 7½d. 29, Postage 30s.....	2	5	7½			
	To paid your order, favour G. Goodin	9	6	8			
	May 13.—To paid Postage	0	1	3			
	To my Account against Mount Rickets	17	7	1			
		235	0	8			
	Loss Balance due by him to you, on A C 1805..... £. s. d. 92 15 0½						
	L. M'Dougall's Account versus Estate of Somerville, charged in my Account Current 1805, with Canaan 20 3 4						
	Matthew Wright's Account versus F. Jones, received by me..... 15 12 6						
	Charged by me to Mr. Rickets in A C 1805..... 1 17 6	130	8	4½	104	11	3½
	To John Smith, for two prime Wethers sent on board the Commodore for your use ..	..	..	..	8	0	0
	To John Edwards, for his Shoeing Account	..	..	..	1	2	6
	To Archibald Galbraith, for Wharfage Account	..	..	..	1	5	10
	To Robert Stone, for a Balance due by you to him on A C	..	..	..	6	2	10½
	To Charles N. Pallener, for his Law Account against you.....	..	..	..	76	9	4½
	To Nicholas Robson, for his Surveying Account	..	..	..	15	0	0
	To Balance due on Canaan A C as per Statement annexed....	..	..	..	104	2,219	
					£.	2,431	16 8½

Current with David Ewart..... Cr.

		£.	s.	d.	£.	s.	d.
1806.	By James Torrent, for a Balance due to you on A C.....	..	..	..	1	5	0
	By A. Galbraith, for Frances Jones' Order on S. Forrester, your favour	30	0	0			
	.....two Years Interest on ditto	3	12	0			
					33	12	0
	By Sarah Townsend, for Bond to you, due March 1, 1805	40	0	0			
	...Interest from March 1, 1804, to Aug. 6, 1806.....	5	16	3			
					45	16	3
	By John Dobson, for this Sum Account of Rent of Louisiana	..	..	..	39	0	0
	By Nicholas Robson's Surveying Account carried to the Debt of Canaan.....	..	..	..	15	0	0
	By Frances Jones, for this Sum paid by you to Captain Pasmore	50	0	0			
	By Frances Jones, for your Order on D. P. Malony.....	24	0	0			
					74	0	0
					208	13	3
	Balance.....			£.	2,223	3	5½
				£.	2,431	16	8½

Dr. ..... Canaan Estates Contingencies 1806,

		£.	s.	d.
To William Stewart	for Salary as Overseer	180	16	8
To James Miller	for —— as Bookkeeper	28	6	8
To William Grant	for —— as ——	16	0	0
To James Anderson	for —— as ——	4	4	4½
To Matthew Lodge	for —— as ——	43	3	4
To James Finlayson	for —— as Carpenter	122	10	0
To George Bodley	for —— as Clerk	15	0	0
To D. Mason	for Medical Attendance	3	1	8½
To Mason and Binham	for —— ——	36	12	10½
To J. P. Goodin	for —— ——	25	4	3½
To Mary M'Craw	for Medicine ——	10	0	0
To Thomas Tomlinson	for Tax Account	313	12	9½
To George Ferriman	for Provisions	10	0	0
To Benjamin Capon	for ——	247	14	2
To Samuel Jeffries	for a Hogshead Salt Fish	30	4	4
To Charles Lowes	for Provisions	10	10	0
To T. Tomlinson and Co.	for fresh Beef Account	110	0	0
To Robert Stone	for fresh Fish ——	38	14	7
To Anthony G. Storer	for Lumber ——	13	10	0
To Archibald Galbraith	for —— ——	167	6	6½
To John Edwards	for his Account	32	12	11
To Thomas Hill	for Lumber Ditto	16	0	0
To Theodore Stone	for Negro Labour	14	0	0
To Alexander Rose	for Holeing Land	85	11	6½
To Pond Penn	for Pasturage Account	18	0	0
To Robert Vassall	for —— ——	21	0	0
To John Tack	for his Cooper's Account	0	7	6
To John Edwards	for his Lime Ditto	11	10	0
To Robert Vassal	for his Law Ditto	3	0	0
To Westmoreland Work-house	for Fees of a Negro	3	8	7
To J. M'Lachlan	for Ditto	2	6	8
To Thomas Hill	for 28lb. Shot	1	15	0
To John Falconer	for his Account	9	12	0
To Robert Stone	for Wharfage Ditto	75	3	9
To Amount	for sundry Negro Cattle	33	13	4
To Frances Jones	for Hire of Coopers	50	0	0
To David Reed	for White Pine Boards	27	4	10
To Midgham Estate	for Bricks, Staves, Stone, and Salt Fish	148	18	1
To John Fox	for Staves and Heading	171	16	3
To Nicholas Robson	for Surveying Account	15	0	0
To Commission on £6,467 15 0	Amount of Sugar and Rum shipped			
126 5 0	Cattle and Sugar sold			
at 6 per Cent on £6,594 0 0	Amounts to	395	12	10
To David Ewart, for his Salary in lieu of Commission for managing said Estate				
To Cash paid, Postage, Stamps, and sundry Expences during the Year		7	10	0
	£.	2,455	2	9½

in Account Current with David Ewart. ..... Cr.

Shipments, with Ships' and Masters' Names.	Hhds.	Tierces	Punchs	Net Casks Sugar.	Gals. of Rum.
Cora..... George Ferriman	12	.....	.....	21,111	.....
Ditto..... ditto	58	.....	.....	99,626	.....
The above Shipments are to London, consigned Blank Bills of Lading, forwarded to E. J. Rickets, Esq.					
Cora..... George Ferriman	.....	36	24	44,086	2,914
Ida..... William Marshall....	10	.....	.....	18,243	.....
Camden.... Robert Hill	10	.....	.....	17,204	.....
Augustus Cæsar.. Robert Kirby ..	.....	.....	40	.....	4,716
The above Shipments are to London, consigned to Messrs. Maitland and Ede.					
Elizabeth..... George Germain..	10	.....	.....	17,787	.....
This Shipment is to Bristol, consigned to Charles Payne and Son.					
Marian..... William Ewing	7	.....	.....	12,231	.....
This Shipment is to Glasgow, consigned to Messrs. D. and J. Connel.					
Dorothy Foster. John Sowden....	10	.....	.....	17,482	.....
Will & Henry.... Thomas Duell..	31	4	.....	55,262	.....
London..... Alexander Agnew	8	.....	.....	13,935	.....
The above Shipments are to London, consigned to Maitlands and Ede, indorsed to pay the Nett Proceeds to Messrs. Longs and Dawkins, or order.	156	40	64	316,967	7,630

		£.	s.	d.
316,967 Nett lbs. of Sugar.....	a' 30s. p. 100lbs...	4,754	10	0
156 Hhds.....	a' 20s. ea.	156	0	0
40 Trs.....	a' 15s. ea.	30	0	0
7,630 Gallons Rum.....	a' 3s. 6d. p. gallon	1,335	5	0
64 Puncheons.	a' 60s. ea.....	192	0	0
		£.6,467	15	0
On this Calculation Commission is charged.				

1806.	£.	s.	d.			
By J. P. Goodwin, for sundry Articles from Canaan Estate.....	9	19	11			
By William Stewart, for ditto.....	18	13	3			
By Certificate for Road Compensation	8	15	7½			
By Road Order, No. 61.....	6	12	6			
Sept. 1. By John Edwards, for Hire of Francisco, from March 4, 1805, to date, at £.35 per ann...	52	10	0			
By David Ewart, for 2 pieces of Irish Linen	13	1	8			
By Thomas Tomlinson and Co. for a short Credit in last Year's A C of 20s. in the Value of 2 fat Steers, only credited £.64. instead of £.65.	1	0	0			
By Frances Jones, for 200lbs. of Sugar, a' 52s. 6d...	5	5	0			
				115	17	11½
By sundry Cattle fattening, their Value is estimated for the present at				120	0	0
By E. J. Ricketts, Esq. for Balance				2,219	4	10
				2,455	2	9½

Jovis, 16° *die Julii*, 1807.

JOHN INGLIS, Eſq. called in, and examined.

WHAT are your means of information with reſpect to the commercial ſtate of the Weſt India colonies?—I have been a good many years connected as a merchant with the Weſt India colonies, and intereſted as a planter, and alſo as a merchant trading with the provinces of Quebec, and with the United States of America. Mr. Inglis.

What is the firm of your houſe?—Inglis, Ellice, and Company.

In the caſe of the ſuſpenſion of a direct intercourſe with the North American States, do you conceive there would be means of obviating the inconveniences likely to reſult to the Britiſh colonies from the interruption of that intercourſe?—Flour and ſalted proviſions can certainly be ſupplied from Great Britain and Ireland, excepting in some extraordinary caſe, and from the Britiſh colonies in North America, in ſufficient quantity to ſupply the Weſt India Iſlands; fiſh can be ſupplied from Newfoundland and the Bay of Fundy; and I would ſtate to the committee as a reaſon for my opinion, as far as regards the article of fiſh, that what is called Weſt India fiſh, taken and cured by Britiſh ſubjects, has been carried to Boſton and other places, and from thence tranſported to the Weſt India Iſlands in American veſſels, and that traffic has been attended with this diſadvantage, that it has induced Britiſh ſeamen and fiſhermen to quit their employment in Newfoundland, and in the Bay of Fundy, and to enter into the American ſervice; this was proved to a committee of the privy council: I have at preſent information, that there is fiſh in the market of Jamaica, which has been carried from Newfoundland and Nova Scotia more than can be ſold. There certainly will be more difficulty in ſupplying the articles of lumber, becauſe they are chiefly imported from the United States at preſent; but there is no doubt that Canada and Nova Scotia could ſupply a very great proportion of what would be required, provided there was a regular trade for the article, ſo as to encourage the people there to bend their minds to procure it.

Have you any preciſe idea of the extent of the conſumption required for the Weſt India colonies?—No; I have not.

Can you ſtate the extent of the ſupply of fiſh and flour, which could be obtained from the Britiſh North American colonies?—Yes, I can; there have been exported from Canada about 30,000 barrels of flour, and 800,000 buſhels of wheat, in one year, and the culture of wheat and manufacture of flour in Canada is increaſing very much; fiſh could be procured in any quantity that can be required.

Do you know the extent of the ſupply of rice and corn which can be obtained from the Britiſh North American colonies?—No rice; and corn is not at preſent cultivated to any great extent, but it can be cultivated to any extent in Upper Canada; but there has been no market for it hitherto.

Do you know the extent of the conſumption of lumber in the Britiſh Weſt Indian colonies?—No, I do not ſo as to name it.

Mr. Inglis. From what part of the Britiſh North American colonies could you obtain the white oak lumber for puncheon ſtaves?—From Canada, and I will add to that, that the commiſſioners of the victualling this week, contracted for the ſupply of white oak ſtaves from Canada inſtead of Dantzic.

To what amount could that ſupply be furniſhed?—To any extent with proper encouragement.

What is the nature of the encouragement which you conceive would be proper encouragement?—A monopoly of the Weſt India market, and due protection to the trade by means of convoys.

Can fiſh be cured and carried from Newfoundland and the Bay of Fundy to the Weſt Indies, at as cheap a rate and of as good a quality as fiſh can be ſent from the United States?—I have no doubt of that, certainly of a ſuperior quality and at as moderate a price.

Can fiſh be cured and carried from Newfoundland and the Bay of Fundy to the Weſt Indies, at as cheap a rate and of as good a quality as fiſh can be ſent from Great Britain?—Yes, herrings and mackarel have heretofore been carried to the Weſt Indies from the Bay of Fundy, at a cheaper rate than from Great Britain.

Are there any impediments and difficulties attending the navigation from the Bay of Fundy?—Yes, upon ſome occaſions it is frozen up for two or three months in the winter, and in Canada for ſix months; but we find no difficulty in making our ſupplies from Canada to this country, becauſe we time our navigation. I think that that circumſtance would not obſtruct the trade if it was once regularly eſtabliſhed.

Can you form any preciſe idea of the comparative prices at which theſe articles could be ſupplied from the United States, and from the Britiſh North American colonies?—Flour, ſalted proviſions, and fiſh, can be ſupplied at much about the ſame prices; lumber will be ſomewhat dearer, but it is of a much better quality; the farther north you go, oak timber is of a better quality. In this market the Quebec ſtaves bear a higher price than American ſtaves.

Can you ſtate at how much a thouſand hogſhead and puncheon ſtaves can now be ſupplied from the Britiſh North American colonies?—The value of hogſhead ſtaves at Quebec at preſent I take to be from 12*l.* to 15*l.* per thouſand; at what price they might be delivered in the Weſt Indies I cannot ſtate.

Can you inform the committee in what way a ſupply of theſe articles was obtained during the American war?—Flour and ſalted proviſions were chiefly exported from Great Britain and Ireland, and fiſh from Newfoundland; lumber was exported by America to the neutral iſlands, and from thence carried to the Britiſh iſlands, and frequently taken in prizes; ſome ſorts of lumber were occaſionally exported from Great Britain, particularly pine timber.

Upon what do you ground your aſſertion, that a ſufficient ſupply of lumber could be obtained from the North American colonies?—Becauſe there are inexhauſtible foreſts of timber in the provinces of Canada.

Are there ſuch facilities of manufacturing thoſe articles, and tranſporting them from the place of their growth to the place of conſumption, as to inſure a ſufficient ſupply being always furniſhed without conſiderable increaſe of price?—There is ſufficient water

carriage to tranſport the timber from the places of its growth to a ſhipping port, but no doubt the manufacture would be attended with greater expence, particularly in the beginning of the buſineſs, than it is in the United States. Mr. Inglis.

What time, in your opinion, ought to be given to enable the preparation of ſupplies to the extent the Weſt India colonies are ſuppoſed to require?—Timber is always cut in the winter, and it would require one year's previous notice to procure any conſiderable ſupply, and an extended one would of courſe require a greater degree of preparation than is in that country at preſent; but a certain quantity, and a very conſiderable one, could be ſupplied in one year.

You have already ſtated, that with due encouragement, the Britiſh North American colonies would be able to ſupply the Weſt India colonies with lumber, proviſions, and all other articles of neceſſity; ſuppoſing an immediate ſuſpenſion of direct intercourſe with America to take place, could not all the articles above-mentioned be procured from Great Britain, or ſome other market, ſo as to ſupply the Weſt India colonies, till the effect of that encouragement could operate?—Flour, ſalted proviſions, and fiſh, can be ſupplied from Great Britain and Ireland, and from the Britiſh colonies in North America, to any extent which may be required. As to lumber, the ſame means would probably be reſorted to now that were on the breaking out of the American war; that is, to take ſuch quantity as could be furniſhed from the Britiſh North American colonies, and alſo from Great Britain, in caſe of neceſſity, of ſuch ſtaves and lumber as could be bought here, and by the re-exportation of caſks which have been already brought from thence.

Can pitch * pine timber be procured in quantities from Britiſh America?—Yes; I have no doubt it may.

You ſtate that conſiderable quantities of fiſh, caught by fiſhermen ſubjects of this country, have been conveyed to Boston and other places in the American States, and ſent from thence in American bottoms to the Weſt Indies for the ſupply of our iſlands and colonies; and that beſides the diſadvantage ariſing from this traffic, our loſs of ſeamen is very conſiderable, thoſe ſeamen having been frequently enticed into the American ſervice: upon what information do you form that opinion?—From correſpondence with Newfoundland, and from perſonal intercourſe with very reſpectable perſons from Nova Scotia, one of whom had formerly been engaged in that trade, it has been ſo diſtreſſing as to throw all the Nova Scotians out of the trade; but this has in ſome degree been put a ſtop to by the encouragement of the bounty given by the Britiſh Weſt India colonies, and the protection of convoys.

From your knowledge of the colonies, do you happen to know whether the ſupplies of flour and proviſions from Ireland, England, and Britiſh America, have been ſufficient for the general purpoſes of the colonies in any one year ſince the peace with America?—There has been no opportunity of trying that experiment; but during the American war all the ſupplies of ſalted proviſions and flour required by the Weſt India colonies were ſent from Great Britain and Ireland, and it ſo happened, during all that time, that flour was ſo cheap as

* This word should have been omitted, as the answer, it is known, related to pine timber *generally*

Mr. Inglis. to be exported ſo as to obtain the bounty, wheat being at or under 40ſ. per quarter.

Whether, under the monopoly reſerved to Great Britain at the time of the peace with America, the colonies have been ſupplied ſufficiently, in any one year, with flour and ſalted proviſions from Great Britain and Ireland and Britiſh America?—Great Britain did not reſerve to herſelf, at the peace of 1783 with America, the monopoly of the ſupply of flour and lumber to the Weſt India colonies, but permitted it to be furniſhed from America in Britiſh ſhips only; but during that time ſhe did reſerve the monopoly to herſelf of the ſupply of fiſh and ſalted proviſions.

Under that limited intercourſe in Britiſh ſhips and in time of peace, do you happen to know whether an intercourſe with America and the colonies has not at all times been found eſſential to their very exiſtence?—The intercourſe I have mentioned, during that period, I believe, furniſhed a regular ſupply to the Weſt India colonies; ſince that period, the ſupply has been more irregular, on account of the circumſtances of the war, the American ſhips having, during a great part of that time, been allowed to furniſh the ſupply to ſuch extent as to drive all the Britiſh ſhips out of the trade; and for that reaſon the ſupply has frequently been very irregular, the Americans only ſupplying the Weſt India markets as adventurers when tempted by high prices, preferring the European markets whenever the circumſtances of the prices of proviſions in Europe hold out encouragement to them to go there; and it has had another effect in Jamaica, and moſt of the other Weſt India iſlands, which is to induce the Britiſh merchants there, who were ſhip-owners as well as traders to North America, to diſcontinue the trade, thereby rendering the ſupply of the planters very precarious, from no ſtocks of theſe articles being kept in their hands; but, for the reaſons ſtated in anſwer to preceding queſtions, I do not think the Weſt India colonies ſo dependant upon North America as to riſk their exiſtence.

How many fleets usually ſail from Great Britain and Ireland to the Weſt India colonies, in the courſe of a year?—Four have already ſailed during the courſe of the preſent year, and one has been applied for to ſail in the courſe of this month.

You have ſtated that fiſh taken by Britiſh ſubjects is carried into Boſton, and from thence tranſported to the Weſt India iſlands in American bottoms; what fiſh do you allude to in that ſtatement?—To the ordinary ſort of codfiſh, which is generally known by the name of Weſt India fiſh, to diſtinguiſh them from the better ſort, which is carried to the European market.

You mean ſalted fiſh and not pickled?—Yes.

You have ſtated yourſelf to be intereſted, both as a planter and a merchant, in the Weſt India colonies: to what cauſes principally do you attribute the preſent diſtreſſed ſituation of the Weſt India colonies?—To a variety of combined cauſes, ariſing principally from the preſent ſtate of Europe and America. In former wars we found, that whenever the Britiſh fleet had obtained the predominance at ſea, the trade to the Britiſh Weſt Indies flouriſhed in a very great degree, becauſe in that caſe the whole of the Weſt India trade was chiefly confined to Great Britain, either from the complete conqueſt of the

enemies colonies or their blockade; but during the preſent war ſuch of the enemies colonies as have not fallen into our poſſeſſion, remaining in a ſtate of ſecurity, have proſpered in a greater degree than any of the Britiſh colonies, from the intervention of American ſhipping, which has enabled them to carry their produce to America and to Europe, at a very little more expence than they were in the habit of doing in times of peace, and by that means the European markets have been ſupplied with colonial produce at lower prices than Great Britain can afford to do it in her preſent circumſtances. They have alſo been furniſhed by the ſame means, that is, by American ſhipping, with all the ſupplies requiſite for their plantations, at a much lower price than the ſame articles have been obtained by the Britiſh planter, owing principally to the differences in the rates of inſurance and freight upon ſuch articles as are exported from Great Britain. This intervention of the American ſhipping with the foreign colonies has had another very injurious effect upon the Britiſh free port trade in the Weſt Indies, the Americans having ſupplanted us in the ſupply of European manufactures to the enemies colonies, to the Spaniſh colonies and ſettlements in particular, and having deprived this country of a very conſiderable influx of money, which uſed in former wars to be brought from the Britiſh Weſt India iſlands, in payment of manufactures exported for that trade; and the Americans do not draw the ſupplies for that trade to the enemies colonies entirely from this country, a great part of the articles uſed in that trade by the Americans are the manufactures of Brabant, Holland, Germany, and Ruſſia, and exported directly from thoſe countries to North America, inſtead of being, as they were formerly, imported into Great Britain, and exported from thence to the Weſt Indies. Another cauſe, in my opinion, of the preſent depreſſed ſtate of the Weſt India trade is, that the low prices of ſugar which have prevailed for ſome time paſt may be attributed to the high duty which is levied upon it in this country, which bears no compariſon to any other mode of taxation which is now adopted, and the ground upon which it has been laid being, that this country enjoyed the monopoly of the ſugar trade, has from the intervention of neutrals entirely failed us, and has thereby rendered the duty to be oppreſſive in its effects, and in my opinion ſo as to diſcourage the conſumption of ſugar to the extent that it would be in this country. I would add to that, that the mode of levying the duty at the ſame rate for all deſcriptions of ſugar is alſo very grievous to thoſe plantations that produce ſugar of the lowest value. Mr. Inglis.

What are the meaſures, in your opinion, beſt calculated to relieve the preſent diſtreſſed ſtate of the ſugar planters?—I would ſuggeſt a reduction of the duty; a reduction of one-half the duty would greatly extend the conſumption of ſugar in this country. The preſent high duty, in my opinion, tends to diſcourage the conſumption amongſt the lower orders of people, who notwithſtanding conſume tea to a very great extent, and it is believed, owing to the high price, without uſing ſugar; and the ſame cauſe prevents a great deal of ſugar being uſed for culinary purpoſes, for made wines, and in a variety of other ways, by the lower claſſes of the community. In my opinion, the conſumption of ſugar, from the high price, has not increaſed in proportion with other neceſſaries or luxuries of life; the conſumption of

Mr. Inglis.

tea in particular having increaſed in a much greater proportion for ſome years paſt. If a reduction of the duty ſhould not take place, to a very conſiderable extent, another remedy would be, the collection of the duty upon an ad valorem principle, but not to the extent of the aggregate duty now collected. Perhaps the more effectual remedy would be, to impoſe a ſmall duty upon all deſcriptions of Muſcovado ſugar, and a higher duty upon refined ſugars, by means of the exciſe; and as to the foreign markets, it ſeems eſſential to take ſuch meaſures as government may deem effectual, to interrupt or prevent the neutral trade to the foreign colonies.

Would any practicable reduction of duties be ſufficient to relieve the Weſt India colonies, ſuppoſing the neutral commerce to continue?—I think it would in a very conſiderable degree.

Suppoſing the reduction of duty to produce an increaſed conſumption in the home market, would ſuch reduction, unaccompanied by other means of relief, be ſufficient to enable the Britiſh planter to enter into competition with the foreign colonies in the foreign market?—I think the reduction of the duty would certainly have the effect of extending the conſumption of ſugar in this country; but I think that ſome other means muſt be reſorted to, to give the Britiſh planter a preference in the foreign market.

Can you ſtate the expence of the cultivation of ſugar in the conquered colonies, applying to Demarara, Surinam, &c.?—I cannot ſtate the expences exactly of cultivation in thoſe colonies, but I believe that, independent of the circumſtance of their being leſs burdened by colonial taxes, their expence in the cultivation of their ſugar is pretty nearly the ſame as in the Britiſh plantations.

Is the ſugar made in the conquered colonies equally good with that made in the Weſt India iſlands?—The ſugars made in the conquered colonies upon the continent are inferior to thoſe made at St. Kitt's and ſome of the other iſlands, but they are rather ſuperior to the ſugars generally made in the iſland of Grenada; and thoſe made in Trinidad are generally of a better quality than any of the other conquered colonies.

If ſome meaſures of relief are not ſpeedily adopted, what do you conceive likely to be the conſequences to the Weſt India intereſt?—It is impoſſible to ſay poſitively what the effect may be, but I am of opinion that it will be out of the power of the merchants in this country to continue the trade, and to ſupport the planters in their cultivation.

Would the failure of the Weſt India trade be accompanied with a great loſs to the general commercial intereſts and revenue of the country?—There is no doubt that a failure of the Weſt India trade would be very injurious to the manufactures of the country, injurious to the revenue, and deſtructive of the ſhipping intereſt of the nation.

Withdrew.

Veneris, 17° *die Julii*, 1807.

THOMAS WILSON, Esq. called in, and examined.

WHAT is your connection with the West Indies, and your means of becoming acquainted with the state of the trade?—From my having been connected as a merchant with Grenada, and particularly with the island of Martinique, when it was in our possession. Mr. Wilson.

To what causes principally do you attribute the present distressed state of the West India colonies?—I conceive the causes of that to be, first, the too high duty which is laid upon the article; next, the relaxation of the system towards neutrals, enabling them to carry away indiscriminately produce from the enemies colonies; thirdly, the policy of the French, in allowing French ships, bought by neutrals, to enter their ports, as if still carrying the original flag, making a difference in the duties paid in France upon foreign ships, twenty-seven francs fifty cents, or twenty-three shillings; by French ships, twenty-two francs and fifty cents, or nineteen shillings per 102 French pounds of sugar, equal to about our hundred weight, that measure producing the additional advantage of keeping their own ships in employ during war time, as by bond the purchasers of those ships are engaged to reinstate them in the French ports within a twelvemonth after peace.

Has the fact, relative to French ships, come within your own knowledge?—It has.

What do you mean by reinstating the French ships, in French ports?—The returning them into French ports to be navigated as French ships, or to account for their loss.

Do any other causes of the distress occur to your mind?—I should conceive the extent of cultivation in the conquered settlements, including Trinidad.

Do you apprehend the practice you have mentioned, relating to the sale of French ships, to be carried on to a considerable extent?—I should consider the greater part of the French merchant ships, not employed as privateers, to have been sold under those circumstances.

What are the measures, in your opinion, best calculated to relieve the present distressed state of the sugar planters?—The reduction of the duty to about 20*s*. at which it stood when, during the last war, we enjoyed the monopoly free from the interruption of the enemy, which I conceive would increase the home consumption; or preferably, reverting to the system by which the neutral trade has been restricted, which would at any time facilitate the blockade of the island of Martinique, as the neutrals not being able to take away sugar or coffee would have less inducement to violate the blockade, and keep the island supplied with provisions, by which our possessions in those seas would be likewise materially secured.

Do you conceive that the hostile colonies derive from the intercourse with neutrals any means of obtaining their supplies at a cheaper rate than the British colonies?—I should conceive of many articles, particularly wines, brandies, linens of all descriptions, and all articles delivered from Italy.

 Withdrew.

THOMAS CARLETON, Esquire, called in, and examined.

Mr. Carleton

HAVE you, in your situation of Governor of New Brunswick, obtained the means of giving information to the Committee, as to the ability of that part of the British North American colonies to afford supplies of provisions and lumber to the British West India colonies?—The province of New Brunswick furnishes a very considerable quantity of fish of different kinds to the islands, viz. herrings of inferior quality, bass, shad, and salmon; the shad is a very bony fish, but a very rich fish; the bass is a coarse fish, and is not bony; the salmon is chiefly dried, and of a good quality.

Is it taken in abundance?—Yes, in considerable quantities.

In such abundance as ever to produce a glut?—They have so far exceeded the expectations of the merchants, that they have not been able to procure a sufficient quantity of salt, and great quantities of fish have been lost in consequence of that; that applies chiefly to the herrings.

Is it an article of considerable trade to the West Indies?—Yes.

Does the province of New Brunswick supply the West India market any quantity of salted meat?—Yes; they do salt beef and pork, that is an increasing trade. I have been some years out of the colony, and cannot speak as to the quantity; but it was a very increasing trade when I was there, particularly the pork.

What is your opinion of the ability of the province of New Brunswick to supply salted provisions?—It is capable of being extended very far, but it must proceed slowly. The province is very fertile, and is a very fine grazing country; it is capable of raising a great deal of stock, it only wants inhabitants; at present the whole inhabitants of the province are between seven and eight and twenty thousand.

Of what class does the population of New Brunswick principally consist?---There are no slaves, or very few; the population consists almost entirely of farmers. There is such a facility in procuring land, that scarcely any man will submit to be a labourer; the great obstacle to the cultivating the lands is the want of labourers.

Can you state the extent of the supply of flour which could be obtained from that province?---At present, there is not a sufficient quantity for the supply of the province.

Can you state the extent of the supply of lumber which might be obtained?—No; I cannot.

Do any considerable portion of the inhabitants employ themselves in procuring lumber?—No, I think not; the inhabitants are chiefly employed upon their farms.

Do you know whether any quantity of lumber is shipped from the province of New Brunswick, and if you do, state the kind?—There is a very considerable quantity of lumber, that is, boards and plank, and there is likewise a considerable quantity of scantling used in framing houses, of both spruce and white pine; there is a great quantity of masts and spars brought home to this country; there were five ships employed in bringing home masts and spars when I left the colony; there are no staves, they make shingles of white pine and cedar; I believe they export them; they make a great deal of shingle; the farmers work more at shingle than any other kind of

lumber, for they can do that without mills. It would require saw-mills to make the boards. Mr. Carleton.

Are the ships from New Brunswick which are freighted with lumber to the West Indies generally freighted from that province, or the American States?—We take from our own province, I believe, almost entirely; they may get some on the western frontier.

Could, or could not, the inhabitants employ themselves more profitably in agriculture than in cutting lumber?—No doubt they could employ themselves much more profitably in agriculture than in cutting lumber; it injures the inhabitants, it makes them idle and dissipated; the masts are cut in the winter when the country is covered with snow. We have great advantage in the country by lakes and rivers; they are cut at no great distance from rivers, and in winter are hauled by oxen over the snow, and are left on the ice till the thaw comes; when these persons have least to do, which is in the winter, they get idle and dissipated, and drunk. It is very little benefit to them, for they generally expend all the wages which they obtain in winter in liquor, and return to their farms when the summer comes, very little better for the wages they have received.

Are you acquainted with the prices at which they might be conveyed to the shipping port?—No, the price varies; it has been from eight to ten dollars a thousand feet superficial of lumber.

Do you recollect the price of the scantling?—No, I do not.

Was any traffic carried on between the fisheries of New Brunswick, during your residence there, for the disposal of any part of the fish caught by them with the subjects of the United States?—No, not that I know of.

Withdrew.

THOMAS HUGHAN, Esquire, called in, and examined.

YOU have stated in your former evidence, that the present situation of the West India planters is one in which they derive no profit, or a very small one, from their capital?—I have. Mr. Hughan.

Do you recollect what was their situation for some years at the latter end of the American war?—I have a general recollection of West India affairs from a period very shortly subsequent to the American war.

Can you state to the committee what was the situation of the West India planters from the end of the American war to the beginning of the French revolution, in the year 1790?—The information which I am enabled to give to the committee upon that subject must be chiefly from recollection: the situation of the planter during that period must have been various, as very considerable fluctuations of prices took place; but on the whole, I am satisfied that he could not have received more than what has generally been considered an adequate return, namely, 10 per cent. upon his capital on the average of those years, although I question whether he received so much.

Why do you mention 10 per cent. as a fit return for his capital?—I have been led to consider 10 per cent. not more than an adequate return for capital vested in West India estates, because that capital itself is subject to many casualties, to deterioration and depreciation from innumerable causes, which do not affect capital vested in land or in other concerns in this country; the cultivation of the colonies is

Mr. Hughan.

a species of manufacture the returns from which are not only uncertain and variable, but the capital itself is exposed to considerable and unavoidable hazard.

What was the situation of the West India planter from the year 1790 to the year 1798?—During the period between the years 1790 and 1798, I am of opinion that the situation of the West India planter was more prosperous, generally speaking, than it had been previously or since. During that time, although there were two or three very unproductive seasons, yet on the whole they were more favourable; but his profits were by no means, in the best of those seasons, excessive.

To what causes do you ascribe the increased prosperity of the British West India planters, during the last period of time?—To circumstances which gave him not only the supply of this country, but almost the exclusive means of furnishing what the continent of Europe required: the first of these was the revolution and destruction of the colony of Saint Domingo, which being followed by the war with France, interrupted, or nearly totally cut off all communication between that country and her colonies; and in the early part of last war the obstacles to neutral commerce were much greater than they have been since.

What has been the situation of the West India planter from the year 1798 to the present moment?—Almost invariably declining, the last season certainly infinitely the worst.

Is the quantity of sugar now in the West India docks, according to the statement delivered in to the committee, an unusually large or small quantity for the time of year?—The quantity now on hand is unusually large for this period of the season; a large fleet is also just arrived from Jamaica.

What means have you had of acquiring a knowledge of the trade in lumber and provisions carried on for the supply of the British West Indies?—During my residence in Jamaica I carried on an extensive commerce myself in those articles.

Having stated in your former examination, that in your judgment and opinion a supply of lumber and provisions cannot be obtained from the British North American colonies in adequate quantities, and at prices which the planters could afford to pay for them, state the grounds on which you have formed the opinion?—During a period of twelve years in which I carried on a trade to America, about one-half of that time the trade was exclusively confined to British ships, and I had frequent occasion to freight and charter British ships for the purpose of carrying articles procured in the United States of America; those ships were then liable to a tonnage duty in America, which they would have been exempted from in the British provinces, but I never knew one instance of a ship being dispatched from Jamaica to any of the British provinces for a cargo of lumber; the provinces of Canada, New Brunswick, and Nova Scotia, can only supply, I believe, certain species of lumber, videlicet, white pine, red and white oak staves and shingles, the last article of the most inferior description; white pine boards are procured I understand with difficulty in Nova Scotia and New Brunswick; in Canada they are obtained, but seldom manufactured in a way to make them so suitable to the conve-

nience of the planter in the West Indies as those which are procured from the American States; the staves of Canada, for what reason I know not, are generally in the rough, or unhewn, which makes them liable to a much heavier freight than hewn or drest staves are, and of course increases the expence of carrying them to market to perhaps nearly double what it would amount to from the American ports. Mr. Hughan.

What is the price of hogshead staves in Quebec?—I am not able, from my own information, to give an answer to that question, but I understand it has been stated to be from twelve to fifteen pounds per thousand.

What would be the price of such staves deposited in the West India market?—If the first cost of those staves is 15*l.* they could not be delivered, I apprehend, in the West Indies, at less than 30*l.* sterling.

What is the price of that description of lumber imported from the United States into the British West India market?---I have in my hand the Baltimore price current, dated the 14th May; I see white oak hogshead staves, which are those usually applied to the purpose of making puncheons in the West Indies, at 30 dollars a thousand, equal to 6*l.* 15*s.* sterling, and those staves I suppose, making all due allowance, could be delivered for 15*l.* a. 18*l.* per thousand.

You state 6*l.* 15*s.* to be the price of freight from Baltimore, and 15*l.* to be the price of freight from Quebec, how do you account for the difference?---One mode of estimating the freight upon these cargoes has been to give one moiety of the cargo for transporting the other. I apprehend that the Canada staves are rough or undressed staves; the Baltimore staves I know are dressed staves, and the freight of those staves that are rough necessarily must be much higher than those that are dressed, and the voyage is also longer. In the prices of 30*l.* and 18*l.* respectively, I have included all charges which comprehend many other items as well as freight.

Is oak timber of a better quality when obtained from the Northern than from the Southern States?---I apprehend it is not better when obtained from the Northern, the best white oak staves I have seen in the West Indies have generally come from Georgia.

Can pitch-pine lumber be obtained from British North America in sufficient quantities, and at what prices?---According to the best information that I possess, pitch-pine lumber cannot be obtained from British North America at all. I know three distinctions of pine in use in the West Indies; the white pine, which is produced in the greatest abundance in the northern parts of America; the yellow pine, which is more confined to the middle States; and the pitch pine, almost exclusively, I believe, confined to the southern States; the latter I understood either does not grow in the British colonies, or in such small quantities as not to afford any considerable supply to the West Indies.

What are the circumstances which impede the supply of flour, corn, and other provisions of the bread kind, from British North America?—I have always understood that New Brunswick and Nova Scotia did not produce sufficient quantities of grain for their own consumption; Canada exports grain and flour considerably. One great obstacle to a suitable and regular supply of corn being carried from Canada to the West Indies, is the nature of the naviga-

Mr. Hughan. tion, the river Saint Lawrence being shut one half the year. I never heard of any rice being produced in Canada, which is an article of considerable consumption for the use of negroes; the flour of Canada which I have seen imported into the West Indies is inferior in quality to that of the United States of America, particularly New York, Pennsylvania, Maryland, and Virginia.

Could not those supplies be obtained in sufficient abundance while the navigation of the river was open?---The nature of the West India climate is such, that flour, and other articles of that sort, will not keep there for many months together in a state of perfection, and therefore to supply them with such articles in an adequate and convenient manner, the imports must be frequent; flour will be injured by being kept a period of six months.

Have you heard that on certain occasions the British North American colonies have been compelled to have recourse to the United States for corn, flour, and other articles of provision?---I have so understood.

Have you heard that West India fish cured by British subjects has been brought to Boston and other places, and transported from thence to the British West India islands, and if so, state to the committee what you know respecting such transaction?---I believe that is the fact.

To what circumstances do you attribute it?---I believe that fish is carried from the British settlements frequently to the United States, and from thence transported to the West Indies; it is carried there in barter for other commodities.

You have stated the necessity of an intercourse being kept up between the United States of America and the British West Indies, can such intercourse be maintained by British shipping alone in time of war?---I think that such an intercourse cannot be maintained by British shipping alone in time of war, without exposing the planters to such additional charges and prices for the articles as would most materially injure and distress them.

Has the opening of this intercourse to neutral shipping tended to render the supply of lumber and provisions uncertain and disadvantageous to the planter?---No, on the contrary I conceive that his supply must have been much more precarious, and the prices paid much higher than he has been in the habit of giving, if the trade had not been opened to neutrals; in my opinion, the opening of this trade to neutral ships has tended materially to lower the price of articles of consumption to the planter; the competition amongst sellers, and there being a larger number of that description than there could have been, according to the mode in which the trade was formerly carried on, has necessarily, in my opinion, created a reduction in the price of those articles in the colonies.

Do you know the quality of fish that usually is sold in the West Indies?---I do.

State the descriptions.---The fish chiefly in use in the West Indies is herrings, from Great Britain and Ireland, and cod fish and other sorts of pickled fish, which are now imported from the United States of America, and from Newfoundland, and the other British settlements in North America.

Which of those kinds of fish are the best calculated for the consumption of the great population of the West Indies?---British herrings, when they can be obtained on fair and reasonable terms, are most in use, and generally preferred in the island of Jamaica; they are better calculated to keep for a considerable length of time in a hot climate; and in several other respects, I hold them to be better adapted for the use of the colonies than the pickled fish which is generally obtained from America; I believe, also, that the negroes themselves give them a preference. Mr. Hughan.

Do you know the quantity of British herrings which have for these three or four years past been exported to the West Indies?---I do not know the quantity of British herrings which have been exported to the West Indies; but I believe of late years the quantity has not been so great as it previously had been, owing to the very high price at which they have arrived, and the great difficulty in some cases of procuring them at all.

What has been the usual price during the period of three years?---From thirty to forty shillings per barrel, seldom so low as thirty; I recollect when they were furnished at from eighteen to twenty or twenty-one per barrel.

Can you state the black population of the West India colonies?---I cannot with any degree of accuracy, but should compute the black population not short of 500,000.

Taking that estimate as correct, what quantity of herrings do you think it would require to supply the consumption?---If the price was such as the planter could afford to pay, I should calculate that not less than 180,000 barrels would be taken; from that to 200,000.

Are you sufficiently acquainted with the state of the British fishery to mention to the committee, whether or not it is capable of giving an adequate supply for the purpose of the West Indian consumption?---What the British fishery may be capable of supplying, I am not competent to say; but I know at times we have had difficulty in obtaining the quantity of herrings we had orders for, for the West Indies.

Withdrew.

Sabbati, 16° die Julii, 1807.

ALEXANDER HENRY, Esquire, called in, and examined.

WHAT is your connection with the West Indies, and what means have you had of being acquainted with the colonial trade?---I have been in trade in Jamaica for twenty-two years; I have been connected with the other islands likewise, but principally with Jamaica. Mr. Henry.

In the case of a suspension of direct intercourse with the American States, do you conceive there would be means of obviating the inconveniences likely to result to the British colonies from the interruption of that intercourse?---I should think there would.

What means occur to you?---The supply which the British colonies in North America could furnish, I believe, is very great, though they do not come within my knowledge; but in case of extremities, the Americans would admit of very large supplies being furnished from their ports by means of neutrals.

Are you able to speak to the mode of supplying the various articles

Mr. Henry.

which are requisite for the supply of the West India colonies?—I certainly am not prepared to give a detail; the quantities of salted and dried provisions are very considerable which go to Jamaica alone, from the different ports of the United States of America, as well as the British colonies; the trade of the British colonies has of late been very much interrupted in consequence of the trade being carried in American ships from their own ports since the year 1793.

Do you conceive that interruption has injured the means the British colonies would otherwise have had of supplying the West India islands?—Yes; in war it almost amounts to a prohibition, the expence is so great of navigating the British ships, and the insurance is so high.

Does it come within your knowledge, by what means the British West India islands were supplied with provisions during the American war?—I was not in the island till two years after the peace; but I have understood they were well supplied, and at moderate rates, by neutral and British ships, and by a number of captures.

Do you conceive that, by sufficient encouragement, the British North American colonies would be enabled to afford a very considerable proportion of the supply requisite for the West India colonies?—I am well assured that they could, in the course of a very little time.

Have you any idea of the extent?—I do not know the quantity of flour which the British North American colonies produce, but I have understood it is very great, and would be considerably increased, provided there was a market for it; and the same with respect to lumber.

Are you aware of any practicable means of giving them encouragement?—I should consider that by having a good market, they would be induced to bring a sufficient quantity. Without convoy, in time of war, they could not carry on the trade at all, except under circumstances of extreme disadvantage.

Do you conceive that the articles which are exported from the British North American colonies, namely, flour and lumber, are inferior or superior to those exported from the United States of America?—I have always understood that the flour from Quebec is not of so fine a quality as that from Philadelphia. I have understood that the Quebec white oak staves were best for rum puncheons; I am not aware of any difference in the red oak staves.

Is it your opinion that British ships, in time of peace, could carry on the trade between our colonies and the American States on as good terms as the trade is carried on at present by American ships?—I have not the least doubt of it; there is not less than about 60,000 ton of shipping goes annually from Great Britain to Jamaica without any freight at all.

Do you know whether American ships, or British ships trading between America and the British colonies, are navigated at the cheapest rate?—I believe the seamen in American ships have higher wages than the British.

Will you state the comparative expence of provisions on the outfit? I should think the Americans were cheaper.

What is the comparative expence of building?—In the British North American colonies, they are built at a very moderate expence

indeed, but they are not so durable. In the United States, I understand the ships to be more durable, but to be built at a much greater expence; but my reason for thinking this commerce might be carried on by the British at as little expence as by the Americans is, that an immense number of ships go from Britain, particularly to Jamaica, without any freight whatever; it would require some station vessels in the West India colonies to carry on the intercourse with America for provisions. Mr. Henry.

What measures occur to you as likely to be the most effectual in relief of the present distress of the sugar planters?---I think preventing the intercourse of neutrals with the enemy's colonies, and the ports of consumption in Europe, would be the most effectual of all remedies. Neutrals have been substituted in the stead of French and Spanish subjects, with all the privileges of French and Spanish subjects in times of peace, whereas the British colonies are subject to all the expences of war. It does not appear to me right, that neutrals should be suffered to carry the produce of the enemy's colonies to their own ports for exportation, which they are not allowed to do in time of peace; the reduction of the duty also would certainly be very important to some extent.

Has the present system, with regard to the neutral intercourse, tended to facilitate or increase the cultivation of sugar in the enemy's colonies?---I conceive it has, particularly with respect to the island of Cuba, to a very great extent.

Can you state the present condition of the enemies colonies, with respect to their cultivation?---I have not the particular means of knowledge, but I have no doubt, that, but for the intercourse of neutrals, it would have been considerably diminished. I should conceive, if it had not been for that intercourse the cultivation must have been very limited indeed.

What do you conceive to be the comparative rates of expence at which sugar is cultivated in the British West India islands, and in the conquered colonies and Trinidad?—I cannot say distinctly the proportion, but I believe that the conquered colonies cultivate at a cheaper rate.

Withdrew.

JOHN VENNER, Esquire, called in, and examined.

STATE to the committee your connection with the British West India colonies, and the means you have of acquainting yourself with the West India trade?---I am a merchant in New Brunswick, and have resided there from 1786 to 1804; and during that time have been more or less engaged in the shipping of articles sent from that country to the West Indies, and receiving returns from thence. Mr. Venner.

Can you speak to the means of supply of the West India islands from British America in general?-- I can speak more particularly to New Brunswick: I can speak to the other provinces only from having been one of the committee of merchants corresponding with the other colonies.

What are the articles of supply which the province of New Brunswick would afford to the British West India islands, in what quantities, and at what prices?---The principal articles that we supply are

Mr. Vesper.

pickled and dried fish, lumber, and shingles; the quantities of fish caught and cured when I left the province, three years ago, as far as my memory serves me, were from 30 to 50,000 barrels of herrings annually; the dried fish may be nearly the same number of quintals; and of boards, I suppose from three to five millions of feet were actually sawed annually. Of the fish, a very small proportion was actually exported by us directly to the West Indies; the greater proportion of all the fish we catch and cure, and all the lumber that we saw, instead of being carried in our own vessels to the West India islands are carried by our coasters to the American States, and carried by them to the West Indies.

Why does that trade prevail?---Because we have at present no vessels of our own to carry them; the navigation of the province is at a stand in consequence of the Americans being allowed to carry them, and the high insurance we are obliged to pay in the time of war.

Is your navigation shut any considerable part of the year?---No; the harbour of Saint John is open the whole of the year, the departure from that coast is at all times easy; the approach to the coast in the months of December and January is dangerous, but not more so than to the northern ports of the United States.

Do you know the state of population in the province of New Brunswick?---I am afraid at present it is very small, probably smaller than when I left it: the decrease of navigation, and the want of employment, has induced a great number of valuable settlers to quit that as well as the other provinces, and go to the American States.

Has the colony any means of affording a supply of salted provisions to the West India islands?—Not in large quantities at present, but this production I conceive to be in an increasing state.

Do you conceive you could furnish a sufficient quantity of fish from the British American colonies for the supply of the West India islands?---I do, fully, provided we had vessels sufficient to carry them.

Do any considerable proportion of the inhabitants of New Brunswick, at any time of the year, occupy themselves in cutting and preparing lumber?---A considerable proportion of the inhabitants do in the winter season; the custom is then to cut the logs from the woods, bring them to the edge of the banks, and, as the river begins to be navigable, bring them to the mill to saw.

How long does the winter season endure?---From the 10th November to the 10th March.

Are there extensive forests in New Brunswick which have the facility of water carriage?---Yes; adjoining the banks of almost every river.

State what kinds of timber they contain.---The principal parts are the white and yellow pine, and spruce, but very little of the red pine; we have the ash, the red oak, and the white oak for staves, but all in small quantities.

Has your fishery experienced any other cause of detriment of late years, beyond what you have stated?—The American fishermen come to our own lines, catch the fish on our own banks, and carry them to their own adjacent islands for sale.

Can you state any instances, within your own knowledge, of the

inconvenience resulting to the British North American merchants, from the want of shipping from the ports of those colonies to the British West India islands?---Yes, the being obliged to charter vessels from this country with little or no freight to New Brunswick, to carry our produce to the West Indies. I have actually chartered one from London, of 320 tons, and am about to charter another of the same size from Liverpool, for those purposes. Mr. Venner.

Could you afford to supply the West India islands at the same prices at which the Americans supply them?—Not during the present arrangement of things in war time, because we have at present no convoys from New Brunswick, and also from the insurance being in a four-fold degree to that which the Americans pay.

Might not that proportion of insurance be diminished by a convoy being furnished?—Certainly.

Do you conceive that under any, and what arrangement of convoys you could come into fair competition with the Americans in the West India market?—By our being allowed regular monthly convoys from the provinces to the islands, and returned convoys monthly from the islands to the provinces; by which means the supply would be gradual, and no particular glut of the article take place.

Is there any quantity of the supply of fish and lumber from the British North American colonies now unsold in the British West India islands?---By the last Jamaica packet, I received an account of the greater part of three cargoes of fish, which have been there from the month of December last, remaining unsold, which has been occasioned by the vast supplies from the British provinces beyond what it was conceived they could furnish, and from large supplies from the United States. The lumber, consisting of white pine and spruce, has been sold at very disadvantageous prices, viz. about 12*l.* a thousand, in consequence of large importations by the Americans, who were selling at 10*l.*

Whence arose this difference in price between your timber and the American?-- I believe, from its being more fairly prepared, and better sawed and worked up.

What do you conceive to be the means of Nova Scotia and Canada to furnish the necessary supplies to the Britsh West India islands?—I believe the resources of Nova Scotia to be nearly similar to our own with respect to fish and lumber; their prospect of grazing is rather better than ours.

What is the comparative population of Nova Scotia and New Brunswick?---Nova Scotia is far more thickly inhabited than New Brunswick; their occupations are similar; farmers, mechanics, and labourers; very few shipwrights now. The principal resources of Canada, so far as my knowledge goes, are flour and staves; but I am less acquainted with this province than with Nova Scotia.

Withdrew.

CHRISTOPHER IDLE, Esquire, called in, and examined.

WHAT is your connection with the West Indies, and what means have you of being acquainted with the means of affording the neces- Mr. Idle.

Mr. Idle.

sary supplies?—My connection with the West Indies is of a general mercantile nature, relatively with this country, and with Canada.

What is the extent and nature of the supply which Canada does afford, or is capable of affording to the West Indies?—Canada is capable of supplying staves in any quantity, both for wet and dry casks, not including sugar hogsheads. It is capable of supplying every species of naval timber; it is capable of furnishing ships for the trade, and a very large supply, I conceive, of wheat and flour. The export of wheat this year will be very considerable.

Does Canada produce any of the red or pitch pine?—In very small quantities; I conceive the Canada staves are much superior to the American, and will, in any part of their use or application, have the advantage over the American. There are three defects in the staves as at present imported from Canada; the firft is, the improper selection of timber; the second is, the improper management of that timber in respect of the separation of the sap, which causes the worm-holes; and the third defect is, in the mechanical converfion of it, in not squaring their timber according to the fibres of the wood.

Might not those defects be remedied?—With the greateft ease in the world.

Is the produce of corn in Canada increasing?—I conceive very much so, in consequence of the clearing of the lands, its increasing wealth, and the measures adopted by government for the encouragement of that colony in the articles of its export.

Have you any knowledge of the extent of the capacity of Canada to furnish boards, scantling, and other timber, suited to the consumption of the West India colonies?—I have reason to think that it could make very large and increasing supplies in proportion to the increase of population, and the other means of the colony.

Have you any knowledge of the present state of the population of Canada?—Not sufficient to satisfy the committee.

Have you engagements to furnifh from the provinces of Canada, Nova Scotia, or New Brunswick, any quantity, and to what extent of scantling or other timber, applicable to the building of ships or houses?—I have an engagement with government to furnifh a very considerable quantity of masts, bowsprits, and other naval timber, both to this country and to the colonies, from Canada solely; the masts and bowsprits of Canada having been found very far superior to those of New Brunswick, or the United States.

Are not other markets besides the Weft Indian markets supplied with flour, corn, and lumber, from Canada?—Very considerable supplies, I know, have been derived from Canada to Portugal, and I presume Spain chiefly, of wheat and Indian corn, and to this market also.

Do you know of any means of promoting the consumption of the staple article of rum?—I know of no means, except the reduction of duties, and what I conceive the consequence, the diminution of smuggling; and this reduction of duty, I conceive, would not occasion any defalcation in the aggregate amount of the revenue.

Withdrew.

Lunæ, 20° *die Julii*, 1807.

HENRY SHIRLEY, Esquire, called in, and examined.

WHAT is your connection with the West Indies, and what are your means of affording information to the committee, with respect to the British West India colonies?—I was in Jamaica three years during the American war, and seventeen years, from 1784 to 1801, as a planter. Mr. Shirley.

What do you consider the causes of the present distressed situation of the sugar planters?—The low price of colonial produce, and the increase of the contingent expences.

To what causes do you attribute the depreciation of the market?—To neutral vessels being allowed to carry French and Spanish sugars to Europe; the heavy contingent expences arise naturally from a state of war.

What measures do you consider best calculated to afford relief to the home market?—Returning to the old colonial system of affording protection to the produce of the British plantations, by preventing the produce of foreign colonies being conveyed to the European markets.

Do any measures occur to you for increasing the home consumption of sugar?—I conceive that the heavy duties that have been laid on sugars have not only lessened the consumption, but have prevented the increase naturally to be expected from the increase of population, and the increase of wealth in the mother-country; at the same time, Jamaica has remitted to this country a much greater quantity of sugar than it used to do.

Do any measures occur to you for the assistance of the export trade?—I conceive none but a peace, or stopping the neutrals from carrying the sugars of our enemies to the European markets.

What do you consider to be the profit which a planter can derive from his capital, at the present prices?—I conceive that a sugar planter, who does not make more upon his plantation than 250 hogsheads, must, at the end of the year, be in debt to his merchant; a planter who makes upwards of 250 hogsheads, gets a profit in proportion to the quality of his sugars. On one property, comprising two sugar estates bought by me, and improved, which has cost me 170,000*l.* sterling, my profits last year were about 5,600*l.*

Does that estate make better sugar than the average of the British plantation sugar?—Much better.

Is that estate managed at an expence greater, or smaller, than the average expence of estates in Jamaica?—I was at a considerable expence in the settlement of those estates, in order to prevent any expence on account of contingencies; I do not think there is an estate in Jamaica managed at so small an annual expence.

What is the average crop of the property you speak of?—The average crop is 600 hogsheads upon one of the above-mentioned sugar plantations, and 400 hogsheads on the other.

Has that estate any particular advantages over other estates, from its local situation?—A very excellent soil, which enables me to do

Mr. Shirley.

with 416 negroes what I cannot do at another estate with 750 negroes, and with heavier contingent expences.

At what periods have you observed any material changes in the profits of the estates you possess in the West Indies?—The price of sugar was very low when I became a sugar planter in 1773; the markets became very favourable in consequence of the American war; we sold our rum to great advantage. After the peace in 1783, the markets were very low until 1789; they improved in 1789, 1790, 1791, 1792; in 1793, they became very high until 1799; ever since that time the markets have lowered every year.

In the period of which you have spoken, independently of the prices at which produce has sold, have not the necessary contingencies of West India estates considerably increased?—The contingent expences of an estate I possessed in 1773, and the contingent expences of the same estate in 1804, are at least 115 per cent. higher than they were.

Can you form an estimate of the variations in the profits of your estate before mentioned, since you purchased it?—I bought Hyde Hall in 1788; the estate did not come to its degree of perfection till 1795; the crops of 1795, 1796, 1797, and 1798, as far as I can estimate them, not having the papers now before me, gave me a return for my capital of 12 per cent. during those four years; but an inference must not be drawn from my estate applicable to other estates in Jamaica, for there are very few estates in Jamaica which make 600 hogsheads. It has been declining ever since. In 1801, 1802, 1803, and 1804, it produced, on an average, a profit almost equal to 6 per cent. In 1805 it produced about 3 per cent.

Can you state what has been the profit in 1806 and 1807?—I have not the accounts.

Have they been greater or less?—They have been less, because the sugars have sold for less money.

How much per cent. do you suppose this estate produced from 1788 to 1794, while you were bringing it to perfection?—I cannot tell, because I left the crops to my agent to improve the estate, and my agent had orders to lay out all the money the estate produced in improving it.

In 1773, you have stated, that the prices were very low, but became higher in consequence of the American war; do you suppose the same consequence would follow the breaking out of an American war, if it broke out now?—In the former war you protected us; in the present war you sacrifice us to the Americans.

What would be the situation of the planters in the British West Indies, if they were obliged to depend upon the British North American colonies alone for their supplies of lumber and provisions?—A trade between the British India colonies and the British North American Provinces, for supplies of provisions and lumber, cannot be said to exist at present. We receive at times some lumber from Halifax and New Brunswick, some corn and some horses from Canada, some white pine boards and planks, and some ranging timber, but no pitch pine, no oak staves for puncheons, and no cyprus shingles, an essential article, because, after several trials, we have found by experience, that slates, copper, and tiles, require too heavy

roofs for a country subject to hurricanes. We get some good fish from thence, but no pork, which is a great article of food for the negroes. I have not sufficient knowledge of Canada to say, whether, in that immense country, there are not pitch pine, lumber, and red oak staves, but it is a new trade, which must be created; and if, to encourage this trade, a monopoly is required of the British West India colonies, it must complete the ruin of the Jamaica planting interest. Mr. Shirley.

To what uses are pitch pine applied in the West Indies, to which scantling of the white pine, or spruce, could not be applied?---The information of my carpenters in Jamaica was, that white pines would do on the inside of the building, but not exposed to the weather.

Would the British planter's market for rum be injured by a monopoly of their supply being granted to the British North American colonies?---It would make the planter still more dependent on the British merchants, who cannot be very indulgent in such times as these. They seem to pity our case, but they add to our miseries, by always deriving a profit from our distresses. The trade could not be carried on directly by the planter as it is at present; a middle man must be employed, and the middle men can only be the traders in Kingston, Montego Bay, and other out-ports; those traders are almost as distressed and as poor as the planters. There are no bankrupt laws at Jamaica; nothing more common than the non-payment of an acceptance; the merchants are for ever suing one another. The merchants in North America could not truft them without the guarantee of a Britiſh merchant, and this would finally throw the lumber trade into their hands, as the Irish provision trade now is. We should lose the market we have at present for our rum, and by shipping it all to England, it would only pay the charges. Under the old colonial system, Jamaica increased in wealth; this increase of wealth produced an increase of culture; this brought to the British markets a greater quantity of sugar, rum, and coffee. Enormous duties have been laid on sugar, and the consumption has been so much injured, that it has not risen in proportion to the increased population, and the increase of wealth in the mother country. The war prevents the re-exportation, and the price of colonial produce is become so low, that it draws the attention of parliament. We shall probably be reduced to the necessity of claying our sugars, which would greatly injure the British shipping, and the revenue. Our former prosperity attracted the attention of all traders and shipowners; nothing could satisfy them but the strictest monopoly; and, if it is now wished to add to our miseries, by devoting the little we have left to the prosperity of the British American colonies, we must be undone. We have had this year, in the parish of Trelawney, in Jamaica, a severe drought; and if we had not had the immediate assistance of the United States, our slaves would have been greatly distressed, and would have been reduced to green food, which would have produced a great mortality in autumn.

How was Jamaica supplied with lumber and provisions between 1786 and 1793, when no Americans were allowed to trade there?—As far as my recollection goes, I bought my lumber in the usual way;

Mr. Shirley. lumber used to be brought by the Americans in small vessels, under the free port act. I do not remember any interruption.

In what manner are the American imports from the United States paid for by the British planters?—By colonial produce; namely, rum and molasses; by money, or bills of exchange. The difference is great between payments in rum, and payments in money; that is to say, the American will take much less for his lumber and provisions when paid for in money, than when paid for in rum. About eleven-twentieths are paid them in produce, and nine-twentieths in money or bills of exchange. This was the result of an enquiry by a committee of the House of Assembly in Jamaica, of which I was chairman.

Would the British planters, in your opinion, be relieved to any, and what extent, by being permitted to barter certain proportions of their coffee and sugar in payment for American supplies, equivalent to the cargoes imported?—They certainly would; the Americans would take some of our worst sugars; it would greatly reduce the exportation of money, and prevent the ruinous consequences of giving bills of exchange, which, in these calamitous times, are often dishonoured.

What measures could be adopted in this country, with respect to the consumption of rum, which would be advantageous to the planters?—To encourage its consumption, by supplying the army and navy with rum instead of brandy, as it was done in old times; grog being naturally the favourite liquor of a seaman and a soldier.

If the subjects of the United States of America were excluded from the market, would not the British North Americans take the rum, with a view to sell it to them?—I should think that the rum would come here, and that here it would sell at so low a price, that they would be able to afford to send it to the United States.

Withdrew.

ROBERT MILLIGAN, Esq. called in, and examined.

Mr. Milligan. WHAT is your connection with the West Indies, and what means have you of being acquainted with the colonial trade?—I have been a West India merchant in London, for the last twenty-seven years, and for the twelve years immediately preceding that time, I was a merchant at Kingston in Jamaica.

In the case of a suspension of a direct intercourse with the United States of America, do you conceive there would be means of obviating the inconveniences likely to result to the British colonies, from the interruption of that intercourse?—If the intercourse should be interrupted by an American war, of which we have already had some experience, I should think that the island of Jamaica, of which alone I can speak, might certainly for a time be put to a considerable inconvenience; but if we are to judge from the experience we had, in the course of the American war, those difficulties would be in a great measure overcome by supplies drawn from other countries, and from captures, as was the case during that war. I was in the island from 1775 to 1779. After a short time, we did not experience any very material inconveniences from the want of lumber or provisions; and the price was never during that time extravagantly high; it was

very often very low, depending upon those circumstances. If, however, all intercourse either in British or American ships was to be suddenly prohibited, I think it would for a time produce very great distress in the West India colonies; but if 10 or 12 months previous notice was given of such intention, I think it is probable that the supplies that would be sent from the British American colonies, and through this country, would in a great measure prevent that consequence, although it would certainly occasion very considerable additional expence; and if that system should be persevered in, I have no doubt but that in a little time we should either circuitously, or through neutral shipping, receive considerable supplies even from the American States, in spite of all possible restrictions, as their annual crops and produce, particularly of wheat, flour, corn, rice, and other articles of provision, are of a perishable nature, and for which the West Indies is the principal and beft market, so that in fact, the States of America are nearly as dependant on us for a market, as we are on them for the supplies. Mr. Milligan

Are you certain, that in the time you mention, no part of the supply received in Jamaica was the produce of the American States, not by capture, but received under neutral flags from the neutral islands, or otherwise?—I do not believe there was any under neutral flags during the American war.

Was any part of that supply derived from those parts of the United States, of which we yet retained the possession in British shipping?—I presume there must be some part, but no great part; we had always a communication with them, but it was of very little importance at that time.

Can you state to the committee (speaking from your own knowledge) the extent of the supply of lumber and provisions which could be obtained from the British North American colonies?—I never had much connection with the colonies of Nova Scotia or New Brunswick; their trade to Jamaica, during the time that I lived there, was not of much importance; but I have always understood and believe, that they are now capable of supplying almost any quantity of common lumber and fish in abundance, and are susceptible, with due encouragement, of great improvement. Canada I know can furnish any quantity of white oak staves of the best quality, and in some years large quantities of wheat and flour are shipped from that province: but I do not think that in the present situation of things, the British American colonies alone are competent to furnish an adequate and seasonable supply of all the articles, particularly flour, rice, at present supplied to the West Indies by the American States.

Is it your opinion, that the intercourse between the West India Islands and America in provisions and lumber, can be carried on as cheaply in British as in American ships?—If regular convoys were allowed to the British ships in that trade, I presume that the freight and insurance on British ships would be very little, if any thing, more than upon American ships.

Have you turned your attention to the possibility of supplying the wants of the British West India Islands from the British fisheries, more exclusively than at present?—I certainly have turned my at-

Mr. Milligan

tention to the supplying the West India Islands with herrings, which is the most desirable article of food for negroes in the West Indies, and in the course of my inquiries, I have found the whole of the British fisheries totally inadequate to the reasonable supply of the West India Islands with that article, and in consequence have with other West India merchants, made application to parliament for permission to import Swedish herrings into this country, for the supply of the West India Islands, on the same terms that they are allowed to be imported into Ireland.

Are you aware of any other species of fish which might be imported from this country?—There is no species of fish which could be carried to the West Indies so desirable for the slaves; there are pilchards, which in some respects might answer the purpose.

What do you conceive to be the causes of the present distressed situation of the West India planters?—The present depressed state of the sugar market; the very heavy duty upon that article, out of all proportion to its present value, and the permission given to neutral ships to bring home the produce of the enemies' colonies.

What measures do you conceive best calculated to afford relief to the West India planters?—I should think the removal of those causes which occasion their distress; a reduction of the duty; a blockade of the enemies ports' in the West Indies; any expedient which could be found to increase the home consumption, or the foreign demand; such, in respect to sugar, would be its use in the distilleries, or in respect of rum, its exclusive use in the army and navy. After what I have before said, I am also of opinion, that if regular convoys were to be appointed for the British ships trading to and from the West Indies to America, that the measure would greatly promote the West India interest, as the planters would then have the opportunity of shipping sugar and coffee to that market (which they cannot do in American ships) and at a reasonable rate of freight, and might in return have their provision and lumber shipped at the prime cost, with very little, if any, advance on the freight now paid to American ships; indeed I have always been of opinion, that if convoys had been appointed at the commencement of the war in 1793, to have protected the British ships at that time stationed in that very course of trade, and that had exclusively carried it on to the mutual advantage of the planters and ship-owners, for seven years previous thereto, there would not have been occasion for any application to the West India governors to open the ports to American shipping. If the plan of convoys should be adopted, other advantages would naturally attach to it; as British ships could land their cargoes at any port or place, whether there was a custom-house established or not, which an American ship cannot do; and if the system of blockading the enemies' sugar colonies is put in force (and, in my opinion, nothing short of that will give the West Indians effectual relief) another favourable circumstance will arise to the planters, as the Americans, who are in the habit of receiving about half the amount of their cargoes in specie, being deprived of the opportunity of trading with those colonies, will most probably invest the whole in the produce of our own islands, a considerable part of which may afterwards find its way to the European markets, but not on terms

or in such quantities as to injure the British exports to those markets. Mr. Milligan.
Another concession, in my humble opinion, is also due to the West India planters, and that is, to appoint an annual convoy to such ships as might be employed in the circuitous trade from hence to America and the West Indies, to load with lumber, &c. on account of such planters as should prefer having their supplies shipped in that manner; and I feel warranted in saying, that many British ships are now ready to embark in that trade, on equal terms of freight paid now to American ships.

Do you conceive that any practicable reduction of the duty would afford material relief?—I certainly think that it would, for the same reason that I think any additional duty laid upon the article at the present moment, would be an additional source of distress. According to my judgment, I should recommend that the scale of duty should be established upon something like this principle; supposing, that at the average price of 50*s.* free of duty, the present duty of 27*s.* should be paid, and that for every shilling advance upon that price, there should be an advance of duty of sixpence; and for every shilling of the average under that price, there should be an abatement from the duty of sixpence.

Would any reasonable increase of bounty enable the British planters to meet the Americans in the foreign market?—I certainly think not.

Has the reduction of price, which has taken place at the expence of the planters, been equal to any probable reduction of duty, and has that reduction of price been found materially to increase the home consumption?—I believe it has had its effect; it may not be very visible, but it must naturally have had an effect.

If some measures of relief are not speedily adopted, what do you conceive likely to be the consequences?—The probable bankruptcy of both planter and merchant.

Withdrew.

Martis, 21 die Julii, 1807.

EDMUND PUSEY LYON, Esq. called in, and examined.

WHAT is your connection with the West India islands, and what have been your means of acquiring information?---I resided in Jamaica from April 1789 to the month of June 1801, and I have been of late years connected with the island of Jamaica as its agent in this country. Mr. Lyon.

Is the present situation of the planters to be in any degree attributed to hurricanes, or any other natural calamities?---No cause of that description has contributed to produce the distress of the planters. No hurricane has taken place in Jamaica to the best of my recollection since the year 1785.

Generally speaking, have the seasons been remarkably favourable or unfavourable?—From my knowledge of Jamaica, from the year 1789 to the present time, there have been only the usual and ordinary vicissitudes of weather in that island.

Withdrew.

GIBBES WALKER JORDAN, Esquire, called in, and examined.

Mr. Jordan.

WHAT is your connection with the West India islands, and what have been your means of acquiring information respecting them? —I am agent for Barbadoes, and have resided there from 1783 to 1798.

Is the present situation of the planters in any degree to be attributed to hurricanes, or any other natural causes?—Certainly not; I know of no hurricane which has produced calamitous consequences to any material extent.

Generally speaking, have the seasons been remarkably favourable or unfavourable?—The seasons have been in general tolerably favourable.

Withdrew.

ACCOUNTS.

AN ACCOUNT of the Quantity of SUGAR Imported from all Parts into *Great Britain* from the Year 1791 to the Year 1806 inclusive; distinguishing each Year:—Also, the Quantity of the same Exported to all Parts in the said Period; distinguishing the Export to *Ireland* from the Export to other Parts, and expressing the Sugar in Cwts. after reducing the Refined into Raw on the principle of 34 to 20.

YEARS.	IMPORTED.	EXPORTED		
		To Ireland.	To other Parts.	TOTAL.
	Cwts.	Cwts.	Cwts.	Cwts.
1791 ..	1,813,192	141,639	268,342	409,981
1792 ..	1,989,230	117,254	510,383	627,637
1793 ..	2,194,726	154,275	363,354	517,629
1794 ..	2,519,181	163,743	866,044	1,029,787
1795 ..	2,151,272	168,264	646,668	814,932
1796 ..	2,240,299	144,446	541,792	686,238
1797 ..	2,139,887	208,343	657,821	866,164
1798 ..	2,699,864	176,325	1,046,987	1,223,312
1799 ..	3,390 974	211,185	407,352	618,537
1800 ..	3,164,474	358,775	1,298,777	1,657,552
1801 ..	3,976,554	122,611	1,080,158	1,202,769
1802 ..	4,297,079	182,896	1,863,872	2,046,768
1803 ..	3,185,894	151,639	1,541,645	1,693,284
1804 ..	3,248,306	162,728	941,209	1,103,937
1805 ..	3,178,788	166,028	936,657	1,102,685
1806 ..	3,815,175	194,802	878,633	1,013,435

Inspector General's Office,
Custom-House, London,
15th April 1807.

WILLIAM IRVING,
Inspector General of
Imports and Exports.

An ACCOUNT of the Quantity of SUGAR Imported from the *West India Colonies* into *Great Britain*, in the under-mentioned Periods, from 1761 to 1806, both inclusive, with the Quantity exported in the same Periods; distinguishing the Export to *Ireland* from the Export to all other Parts; and expressing the Sugar in Cwts. after reducing the Refined into Raw, on the principle of 34 to 20.

PERIODS.	IMPORTED.	EXPORTED		
		To Ireland.	To other Parts.	TOTAL.
	Cwts.	Cwts.	Cwts.	Cwts.
1761.....	1,517,727	130,811	444,928	575,039
1762.....	1,428,086	100,483	366,327	466,810
1763.....	1,765,838	159,230	398,407	557,637
1764.....	1,488,079	125,841	371,453	497,294
1765.....	1,227,159	152,616	191,756	344,372
Annual Average of 5 years	1,485,377	133,796	354,434	488,230
1771.....	1,492,096	207,153	82,563	289,716
1772.....	1,829,721	189,555	48,678	238,233
1773.....	1,804,080	200,886	37,323	238,209
1774.....	2,029,725	224,733	55,481	280,214
1775.....	2,021,059	272,638	190,568	463,206
Annual Average.....	1,835,336	218,993	82,922	301,915

1781.....	1,080,848	162,951	114,631	277,582
1782.....	1,374,269	96,640	49,816	146,456
1783.....	1,584,275	173,417	177,839	351,256
1784.....	1,782,886	142,139	222,076	364,215
1785.....	2,075,909	210,939	223,204	434,143
Annual Average.....	1,579,537	157,217	157,513	314,730
1791.....	1,808,950	141,291	267,397	408,688
1792.....	1,980,973	115,309	508,821	624,130
1793.....	2,115,308	145,223	360,005	505,228
1794.....	2,330,026	153,798	792,364	946,162
1795.....	1,871,368	147,609	551,788	699,397
Annual Average.....	2,021,325	140,646	496,075	636,721
1801.....	3,729,264	113,915	862,892	976,807
1802.....	4,119,860	179,978	1,747,271	1,927,249
1803.....	2,925,400	144,646	1,377,867	1,522,513
1804.....	2,968,590	153,711	762,485	916,196
1805.....	2,922,255	153,303	808,073	961,376
1806.....	3,673,037	127,328	791,429	918,757
Annual Average.....	3,389,734	145,480	1,058,336	1,203,816

Inspector General's Office
Custom-House, London,
15th April, 1807.

WILLIAM IRVING,
Inspector General of Imports and Exports.

An ACCOUNT of the Quantity of RUM Imported from the *West India Colonies* into *Great Britain*, in the under-mentioned Periods, from 1761 to 1806, both inclusive, with the Quantity exported in the same Periods; distinguishing the Export to *Ireland* from the Export to all other Parts.

PERIODS.	IMPORTED.	EXPORTED		
		To Ireland.	To other Parts.	TOTAL.
	Gallons.	Gallons.	Gallons.	Gallons.
1761	1,011,149	10	11,827	11,837
1762	1,120,512	9,710	44,138	53,848
1763	1,310,679	365,336	97,693	463,029
1764	1,878,405	851,160	55,970	907,130
1765	2,587,829	1,291,779	63,179	1,354,958
Annual Average of 5 Years	1,581,714	503,599	54,561	558,160
1771	2,728,565	1,932,086	144,243	2,076,329
1772	2,284,163	368,672	273,301	641,973
1773	2,282,544	598,931	301,810	900,741
1774	1,890,290	393,926	295,206	689,132
1775	2,498,241	494,090	347,258	841,348
Annual Average	2,336,760	757,541	272,363	1,029,904

1781.....	1,372,653	95,588	129,987	225,575
1782.....	1,740,352	110,841	413,387	524,228
1783.....	2,011,861	885,796	660,962	1,546,758
1784.....	1,994,432	314,185	202,872	517,057
1785.....	3,563,587	550,117	468,621	1,018,738
Annual Average.....	2,136,567	391,305	375,166	766,471
1791.....	2,421,199	443,187	353,801	796,988
1792.....	3,026,455	167,862	409,463	577,325
1793.....	3,756,789	112,146	304,417	416,563
1794.....	2,926,232	267,867	714,587	982,454
1795.....	1,889,842	92,482	218,299	310,781
Annual Average.....	2,804,103	216,709	400,113	616,822
1801.....	4,417,763	732,784	585,104	1,317,888
1802.....	4,685,290	325,023	1,010,551	1,335,574
1803.....	5,954,770	75,206	598,596	673,802
1804.....	2,756,329	90,806	1,060,777	1,151,583
1805.....	3,586,635	92,903	743,462	836,365
1806.....	3,570,774	184,148	803,694	987,842
Annual Average.....	3,828,593	250,145	800,364	1,050,509

Inspector General's Office,
Custom-House, London,
25th April, 1807.

WILLIAM IRVING,
Inspector General of the
Imports and Exports of Great Britain.

An ACCOUNT of the Quantity of COFFEE Imported from the *West India Colonies* into *Great Britain*, in the under-mentioned Periods, from 1761 to 1806, both inclusive, with the Quantity exported in the same Periods; distinguishing the Export to *Ireland* from the Export to all other Parts.

PERIODS.	IMPORTED.	EXPORTED		
		To Ireland.	To other Parts.	TOTAL.
	Cwt.	Cwt.	Cwt.	Cwt.
1761.....	44,962	261	33,453	33,714
1762.....	77,720	333	68,428	68,761
1763.....	71,253	246	66,129	66,375
1764.....	21,041	279	29,528	29,807
1765.....	31,569	310	25,032	25,342
Annual Average of 5 Years	49,309	285	44,514	44,799
1771.....	40,026	851	38,392	39,243
1772.....	62,206	925	54,432	55,357
1773.....	44,745	63	48,776	48,839
1774.....	58,164	42	65,737	65,779
1775.....	54,935	24	40,098	40,122
Annual Average.....	52,015	381	49,487	49,868

1781.....	12,783	52	13,228	13,280
1782.....	22,482	.....	25,303	25,303
1783.....	17,272	142	21,477	21,619
1784.....	41,147	1	39,878	39,879
1785.....	37,036	44	38,100	38,144
Annual Average.....	26,144	48	27,597	27,645
1791.....	40,736	27	33,903	33,930
1792.....	69,017	46	52,798	52,844
1793.....	90,547	31	94,484	94,515
1794.....	191,828	126	150,390	150,516
1795.....	181,744	52	190,991	191,043
Annual Average.....	114,774	56	104,513	104,569
1801.....	525,964	92	420,289	420,381
1802.....	384,364	62	473,098	473,160
1803.....	157,453	99	173,521	173,620
1804.....	328,013	35	246,470	246,505
1805.....	289,898	49	304,098	304,147
1806.....	497,739	460	387,163	387,623
Annual Average.....	363,905	133	334,106	334,239

Inspector General's Office,
Custom-House, London,
15th April 1807.,

WILLIAM IRVING,
Inspector General of the
Imports and Exports of Great Britain.

An ACCOUNT of the Quantity of COCOA Imported from the *West India Colonies* into *Great Britain*, in the under-mentioned Periods, from 1761 to 1806, both inclusive; with the Quantity Exported in the same Periods; distinguishing the Export to *Ireland* from the Export to all other Parts.

PERIODS.	IMPORTED.	EXPORTED		
		To Ireland.	To other Parts.	TOTAL.
	Cwts.	Cwts.	Cwts.	Cwts.
1761.....	3,324	168	1,551	1,719
1762.....	2, 73	78	1,608	1,686
1763.....	12,788	372	9,178	9,550
1764.....	3,148	19	3,107	3,126
1765.....	2,761	166	2,103	2,239
Annual Average of 5 Years	4,837	161	3,521	3,682
1771.....	6,882	65	3,930	3,995
1772.....	6,802	150	4,653	4,803
1773.....	7,813	145	6,487	6,632
1774.....	5,808	165	4,732	4,897
1775.....	6,275	184	2,347	2,531
Annual Average.....	6,716	142	4,429	4,571

1781.....	2,827	62	3,906	3,968
1782.....	847	.....	608	608
1783.....	3,541	8	2,496	2,504
1784.....	5,584	.....	2,503	2,503
1785.....	5,830	205	2,395	2,600
Annual Average.....	3,665	55	2,381	2,436
1791..	4,301	70	228	298
1792.....	3,933	81	2,664	2,745
1793..	2,794	18	1,574	1,592
1794.....	8,797	267	2,750	3,017
1795.....	5,616	21	21,831	21,852
Annual Average.....	5,088	91	5,809	5,900
1801.....	7,828	87	4,536	4,573
1802.....	6,753	113	4,249	4,362
1803.....	3,075	73	2,931	3,004
1804.....	3,483	25	829	854
1805.....	7,316	21	2,929	2,950
1806.....	7,562	.....	4,202	4,202
Annual Average.....	6,002	45	3,279	3,324

Inspector General's Office,
Custom-House, London,
16th April, 1807.

WILLIAM IRVING,
Inspector General of Imports and Exports.

An ACCOUNT of the Quantity of PIMENTO Imported from the *West India Colonies* into *Great Britain*, in the under-mentioned Periods, from 1761 to 1806, both inclusive; with the Quantity Exported in the same Periods; distinguishing the Export to *Ireland* from the Export to all other Parts.

PERIODS.	IMPORTED.	EXPORTED		
		To Ireland.	To other Parts.	TOTAL.
	lbs.	lbs.	lbs.	lbs.
1761.....	351,285	14,082	538,510	552,592
1762.....	1,541,230	5,698	760,405	766,103
1763.....	1,114,702	6,964	1,149,239	1,156,203
1764.....	1,587,400	13,671	1,574,270	1,587,941
1765.....	1,142,974	11,067	839,361	850,428
Annual Average of 5 Years	1,147,518	10,296	972,357	982,653
1771.....	1,793,154	8,952	1,633,692	1,642,644
1772.....	1,450,575	31,762	1,392,176	1,423,938
1773.....	2,282,071	6,306	2,306,695	2,313,001
1774.....	786,815	5,564	716,406	722,060
1775.....	2,530,939	3,457	2,543,591	2,547,048
Annual Average.....	1,763,710	11,208	1,718,530	1,729,738

1781.....	951,262	4,248	899,427	903,675
1782.....	454,954	..	558,028	558,098
1783.....	917,542	40	830,334	860,738
1784.....	1,34,254	..	947.976	947,976
1785.....	3,282,198	14,910	2,823,093	2,838,003
Annual Average.....	1,348,042	3,912	1,217,786	1,221,698
1791.....	1,159,134	751	724,807	725,558
1792.....	1,900,739	681	1,310,089	1,310.770
1793.....	1,087.416	82	963,621	963,693
1794.....	1,279,883	5,805	1,512,632	1,518,437
1795.....	1,263,818	7,151	781,868	789,019
Annual Average.....	1,338,198	2,894	1,058,601	1,061,495
1801.....	1,676,542	6,393	1,235,845	1,242,238
1802.....	658,503	14,222	847,570	861 897
1803.....	1,133,477	23,485	941,589	965,074
1804.....	2,239,032	10.142	1,189,392	1,199.534
1805.....	540,933	6,170	817,053	823,223
1806.....	2,109,678	13,233	1,501,491	1,514,724
Annual Average.....	1,393,027	12,274	1,088,823	1,191,091

Inspector General's Office,
Custom House, London,
15th April, 1807.

WILLIAM IRVING,
Inspector General of
Imports and Exports.

An ACCOUNT of the Quantity of COTTON WOOL Imported from the *West India Colonies* into *Great Britain*, in the undermentioned Periods, from 1761 to 1806, both inclusive; with the Quatity Exported in the same Periods;—distinguishing the Export to *Ireland*, from the Export to all other Parts.

PERIODS.	IMPORTED.	EXPORTED.		
		To Ireland.	To other parts.	TOTAL.
	lbs.	lbs.	lbs.	lbs.
1761	2,995,705	165,088	166,185	332,173
1762	3,713,604	123,780	43 291	167,071
1763	2,606,594	52,848	198,644	251,492
1764	3,660,037	182,864	30,874	213.738
1765	3,715,793	66,316	12,476	78,792
Annual Average of 5 Years.	3,338,346	118,299	90,354	208,653
1771	2,270,279	7,571	46,912	54,483
1772	2,287,616	5,830	34,423	40,253
1773	2,418,333	11,398	15,060	26,458
1774	3,174,964	1,050	323	1,373
1775	2,784,832	1,652	8,238	9,890
Annual Average	2,587,204	5,500	20,991	26,491

1781	3,136,913	94,023	2,765	96,788
1782	6,311,929	614	283,301	283,915
1783	6,100,191	3,000	2,408	5,408
1784	6,874,961	197,451	3,566	201,017
1785	8,230,761	187,929	797	188,726
Annual Average.....	6,130,951	96,603	58,567	155,170
1791	12,330,109	57,070	42,221	99,291
1792	12,576,874	476,629	343,850	820,479
1793	9,164,893	191,452	300,168	491,620
1794	10,337,245	162,670	95,321	257,991
1795	13,604,175	316,034	168,153	484,187
Annual Average.....	11,602,659	240,771	189,942	430,713
1801	19,957,307	1,200	195,282	196,482
1802	16,284,857	30,291	135,371	165,662
1803	7,036,104	1,522	— — — —	1,522
1804	20,535,574	— — — —	23,632	23,632
1805	16,226,344	— — — —	43,638	43,638
1806	17,712,344	— — — —	27,814	27,814
Annual Average.....	16,292,088	5,502	70,956	76,458

Inspector General's Office,
Custom-House, London,
15th April, 1807.

WILLIAM IRVING,
Inspector General of
Imports and Exports.

An ACCOUNT of the Value of DYE WOODS, and other Miscellaneous Articles excepting Sugar, Coffee, Rum, Cocoa, Pimento, and Cotton, imported from the *West India Colonies* into *Great Britain*, from the Year 1791 to the Year 1805, both inclusive; distinguishing each Year.

	£.
1791 - -	218,159
1792 - -	196,990
1793 - -	151,020
1794 - -	148,272
1795 - -	169,366
1796 - -	269,470
1797 - -	496,340
1798 - -	366,981
1799 - -	509,406
1800 - -	703,086
1801 - -	523,732
1802 - -	287,974
1803 - -	253,418
1804 - -	331,621
1805 - -	244,764

Note—The Account for 1806 cannot yet be given.

Inspector General's Office,
Custom-House, London,
14th April, 1807.

WILLIAM IRVING,
Inspector General of the
Imports and Exports of Great Britain.

An ACCOUNT of the Official Value of EXPORTS from *Great Britain* to the *West India Colonies*, in the under-mentioned Periods, from 1761 to 1806, both inclusive; with the Calculated Real Value of the same as shewn by the Convoy Tax; distinguishing each Year; as far as the same can be made up.

	Official Value.
	£.
1761	1,392,686
1762	1,472,867
1763	1,228,452
1764	990,330
1765	1,078,682
Annual Average of 5 Yrs.	1,232,603
1771	1,214,164
1772	1,440,121
1773	1,337,387
1774	1,418,807
1775	1,718,457
Annual Average	1,425,787
1781	1,149,528
1782	1,742,588
1783	1,869,246
1784	1,289,841
1785	1,235,315
Annual Average	1,457,303
1791	2,649,061
1792	2,926,385
1793	2,695,415
1794	3,617,208
1795	2,880,132
Annual Average	2,953,640
1800	4,474,670
1801	4,905,173
1802	4,047,521
1803	2,344,646
1804	4,318,701
1805	3,931,035
Annual Average	*4,002,791

Note. The Account for 1806 cannot yet be given.

* The calculated Real Value of the Exports to the *West Indies*, amounted on an Average to £. 6,061,794

Inspector-General's Office,
Custom-House,
London, April 15th, 1807.

WILLIAM IRVING,
Inspector-General of Imports and Exports.

Victualling Office, 17th July, 1806.

An ACCOUNT of SPIRITS, contracted for by the Victualling Board for the Use of the Navy and Army, within the last Three Years, ending 30th ultimo, distinguishing each Year; and West India Rum from Foreign Spirits; with the respective Prices.

YEAR.	DATE of CONTRACT.	RUM.		BRANDY.	
		Gallons.	Prices.	Gallons.	Prices.
			s. d.		s. d.
1804	1st August	37,500	2. 5¼	—	—
	do	37,500	2. 8¼	—	—
	do	75,000	2. 8¼	—	—
	8th October	15,000	2. 6	—	—
	9th do	10,000	2. 6	—	—
	19th November	- - - -	- - -	50,000	3. 3.
	do	- - - -	- - -	25,000	3. 3.
	do	- - - -	- - -	25,000	3. 3.
	21st do	40,000	3. 6	—	—
	7th December	22 000	3. 7	(East India)	—
	do	30,000	3. 11	—	—
	19th do	30,000	3. 7½	70,000	3. 7½
	do	20,000	3. 7½	30,000	3. 7½
		317,000		200,000	

1805			s.	d.		s.	d.
	28th January	- - - -	-	- -	100,000	3.	4.
	do.	3,000	-	- -	(East India.)		—
		15,000	3.	9.	—		—
				—	—		—
	30th do.	- - -	-	- -	1,300	3.	0.
	14th February	- - -	-	- -	8,800	2.	11.
	23d March	13,000	2.	11.	37,000	2.	11.
	do.	54,000	2.	11.	96,000	2.	11.
	10th April	- - -	-	- -	4,000	2.	4½.
	3d May	- - -	-	- -	15,000	2.	5½.
	2d August	15,000	2.	4½.	45,000	2.	4½.
	do.	15,000	2.	5½.	45,000	2.	5½.
	do.	15,000	2.	5½.	65,000	2.	5½.
	13th	20,000	2.	11¼.	20,000	2.	5½.
	10th September	- - -	-	- -	38,000	2.	5½.
	27th do.	50,000	2.	8.	100,000	2.	8.
	29th November	50,000	2.	9⅞.	50,000	2.	9⅞.
		250,000			625,100		

1806			s.	d.		s.	d.
	7th February	70,000	2.	9.	30,000	2.	9.
	27th May	10,000	2.	8.	45,000	2.	7.
	do	50,000	2.	9.	—	—	
	do	20,000	2.	10.	—	—	
	10th June	20,000	3.	1.	—	—	
	11th July	15,000	2.	10.	80,000	2.	2¼.
	do	160,000	2.	11.	—	—	
	17th November	100,800	2.	9½.	10,000	1.	10½.
	do	100,000	2.	9½.	10,000	1.	11½.
	19th do	13,000	2.	9½.	—	—	
	9th December	10,000	2.	11¼.	—	—	
	do	15,000	2.	10¾.	—	—	
	do	15,600	2.	11¼.	—	—	
	do	20,000	2.	10½.	—	—	
	do	20,000	2.	11½.	—	—	
	do	10,000	2.	9¾.	—	—	
	do	27,500	2.	10.	—	—	
	do	27,500	2.	10½.	—	—	
	do	27,500	2.	11.	—	—	
	do	27,500	2.	11½.	—	—	
	do	20,000	2.	9½.	—	—	
	24th do	- - -	-	-	6,000	2.	6.
		778,000			181,000		

			s. d.		s. d.
1807.	5th May	20,000	2. 10⅝	—	—
	do.	80,000	2. 11⅛	—	—
	do.	20,000	2. 10⅝	—	—
	do.	80,000	2. 11⅛	—	—
	do.	20,000	2. 10⅝	—	—
	21st June	- - - -	- - - -	17,000	1. 9½.
	3d June	- - - -	- - - -	10,000	2. 4½.
		220,000		27,000	
	1804	317,000	- - - -	200,000	—
	1805	250,000	- - - -	625,100	—
	1806	778,000	- - - -	181,000	—
	1807	220,000	- - - -	27,000	—
		1,565,000		1,033,100	

John Marsh. G. P. Towry. J. C. Searle. R. S. Moody. W. Boscawen. John Harrison. W. Budge.

An ACCOUNT of the Total Quantity of SUGAR in the Warehouses, and Afloat in the West India Docks, on the 13th July, 1807.

	Hhds.	Trecs.	Parls.	Chests.	Serons.
Warehoused - - - - - -	31,746	3,595	984	341	—
Remaining to land - - -	890	71	71	—	—
	32,636	3,666	1,055	341	—

TOTAL Quantity in the Dock Premises, in Cwts.;

Hhds. - - - -	32,636 - - - -	12 - - - -	391,632
Trcs. - - - -	3,666 - - - -	8 - - - -	29,328
Bls. - - - -	1,055 - - - -	3 - - - -	3,165
Chests - - - -	341 - - - -	— - - - -	1,023
Serons - - - -	— - - - -	— - - - -	—
Packages - -	37,698 - - -	Cwts. - - -	425,148

GEO. TENNANT, Accomptant.

West-India Dock House, July 15, 1807.

EXTRACT from the STATEMENT of EXPORTS, from Oct. 1, 1805, to Sept. 30, 1806, from the Ports of the United States of America.

Produce of the United States - - -	Drs. 41,253,727
Foreign Produce - - - - - - - - -	60,233,266
Savannah (estimated) - - - - - - -	2,250,000
	Drs. 103,736,963

WEST INDIA PRODUCE.

Sugar - - - - - - - - -	Pounds	106,249,397
Do. clay'd - - - - - - -	Do.	39,378,637
Coffee - - - - - - - -	Do.	47,001,662
Cocoa - - - - - - - - -	Do.	6,846,758
Cotton - - - - - - - - -	Do.	1,833,187
Molasses - - - - - - - -	Do.	53,798
Cotton, Sea Island - - - - - -	Do.	6,096,080
Georgia - - - - - - - - -	Do.	29,561,380

Report of Treasury Department, Feb. 24, 1807.

An ACCOUNT of the General Average Prices of BROWN or MUSCOVADO SUGAR, exclusive of all Duties; for 13 Years, ending the 5th Day of January, 1806.

WHEN PUBLISHED.	FOR WHAT TIME.			AVERAGE PRICE.
				s. d.
1793 February 23	Six Weeks	preceding	Feb. 20 1793	56 2¾
June 22	—	—	June 19 —	59 9
August 24	—	—	Aug. 24 —	51 10¼
October 23	—	—	Oct. 23 —	51 10
1794 February 22	—	—	Feb. 22 1794	51 9¾
June 21	—	—	June 21 —	40 2
October 18	—	—	Oct. 15 —	38 4¾
1795 February 21	—	—	Feb. 18 1795	48 3¾
June 20	—	—	June 27 —	55 6¾
August 22	—	—	Aug. 22 —	60 7¾
October 23	—	—	Oct. 23 —	60 7¾
1796 February 23	—	—	Feb. 23 1796	63 8½
October 29	—	—	Oct. 23 —	62 7½
1797 February 23	—	—	Feb. 23 1797	64 7
August 26	—	—	Aug. 23 —	64 10
October 28	—	—	Oct. 23. —	62 11¾
1798 February 24	—	—	Feb. 23 1798	67 3¾
June 23	—	—	June 23 —	68 11¾
August 25	—	—	Aug. 23 —	65 11
October 27	—	—	Oct. 23 —	67 6¼
1799 February 23	—	—	Feb. 23 1799	69 3¾
1800 January 11	—	—	Jan. 5 1800	57 6¾
April 5	—	—	April 5 —	66 2
November 10	—	—	Nov. 10 —	71 3½
1801 June 27	—	—	May 10 1801	48 2½
July 11	—	—	June 20 —	53 6
August 8	—	—	Aug. 10 —	50 11¼
November 7	—	—	Nov. 9 —	47 8¾

continued.

An ACCOUNT of the General Average Prices of BROWN or MUSCOVADO SUGAR continued.

WHEN PUBLISHED.	FOR WHAT TIME.				AVERAGE PRICE.	
1802 May 15	——	——	May 10	1802	38	8
August 7	——	——	Aug. 10	—	37	4
November 6	——	——	Nov. 10	—	34	5
1803 January 8	Four Months	——	Jan. 5	1803	34	4
April 30	——	——	May 5	—	39	2¾
September 3	——	——	Sept. 5	—	46	6¼
December 31	Quar. of a Year	——	Jan. 5	1804	43	6¾
1804 April 28	——	——	May 5	—	49	10
September 1	——	——	Sept. 5	—	54	3¼
December 29	——	——	Jan. 5	1805	55	1¾
1805 May 4	——	——	May 5	—	52	8¼
August 31	——	——	Sept. 5	—	51	8½
1806 January 4	——	——	Jan. 5	1806	48	6¾

TH. NETTLESHIP,

Clerk of the Grocers Company.

April 3, 1806.

An ACCOUNT of the General Average Prices of BROWN or MUSCOVADO SUGAR, exclusive of all Duties; from the 5th January to 31st December, 1806.

	£.	s.	d.
The Average Price of Brown or Muscovado Sugar, computed from the Returns made in the Week ending the Eighth Day of January 1806, per Hundred Weight. is	2	9	4¼
Week ending the 15th January 1806 - is	2	9	1¾
- - 22d - - is	2	7	11½
- - 29th - - is	2	7	10¾
- - 5th February - is	2	7	1½
- - 12th do - is	2	6	8½
- - 19th - - is	2	6	5¾
- - 26th - - is	2	7	2¼
- - 5th March - is	2	5	10¼
- - 12th do - is	2	6	8½
- - 19th - - is	2	6	10¼
- - 26th - - is	2	7	5½
- - 9th April - is	2	7	5¼
- - 9th - - is	2	9	4¾
- - 16th - - is	2	8	6¼
- - 23d - - is	2	5	5½
- - 30th - - is	2	4	11½
For a Quarter of a Year preceding the 5th May	2	6	11
Week ending the 7th May - is	2	5	1¾
- - 14th - - is	2	5	3
- - 21st - - is	2	5	4½
- - 28th - - is	2	3	1½
For Six Weeks preceding the 1st June is	2	4	10½
Week ending the 4th - - is	2	2	5¾
- - 11th - - is	2	4	1
- - 18th - - is	2	0	3¾
- - 25th - - is	1	19	0
- - 2d July - - is	2	1	1
- - 9th - - is	2	0	1¾
- - 16th - - is	2	2	4
- - 23d - - is	2	4	4½
- - 30th - - is	2	5	0½

An ACCOUNT of the General Average Prices of BROWN or MUSCOVADO SUGAR continued.

		£.	s.	d.
For Six Weeks preceding the 1st August	is	2	2	3¼
Week ending the 6th - -	is	2	5	7½
- - 13th - -	is	2	5	4½
- - 20th - -	is	2	6	4½
- - 27th - -	is	2	3	0¾
Week ending the 3d September -	is	2	1	8½
- - - 10th - -	is	2	5	10¼
For a Quarter of a Year preceding 5th	is	2	3	4½
Week ending the 17th - -	is	2	5	2
- - 24th - -	is	2	2	10¾
- - - 1st October -	is	2	2	3¾
For Two Months preceding 1st -	is	2	4	0¾
Week ending the 8th - -	is	1	19	4¾
- - 15th - -	is	2	2	9¾
- - 22d - -	is	2	1	11
- - 29th - -	is	2	1	4¼
- - - 5th November -	is	1	19	8¼
- - 12th - -	is	1	18	8¼
- - 19th - -	is	1	17	10¼
- - 26th - -	is	1	18	0
- - - 3d December -	is	1	18	6¼
- - 10th - -	is	1	16	9¾
- - 17th - -	is	1	16	6¼
- - 24th - -	is	1	18	9
- - 31st - -	is	1	18	0½

Exclusive of the Duties of Customs paid, or payable thereon, on the Importation thereof into Great Britain.

THOS. NETTLESHIP,

Clerk of the Grocers Co.

July 24th, 1807.

No. IX.

No. IX.

COPY of the TREATY of AMITY, COMMERCE, and NAVIGATION, between his Majesty and the United States of America, concluded and signed on the 31st December, 1806, by the Right Honourable Henry Richard Vassal Lord Holland, one of his Majesty's Privy Council and Lord Keeper of his Majesty's Privy Seal, and William Lord Auckland, one of his Majesty's Privy Council, and President of the Committee of Council for all Matters of Trade and Foreign Plantations, Plenipotentiaries on the Part of his Britannic Majesty; and James Monroe and William Pinkney, Commissioners Extraordinary and Ministers Plenipotentiary on the Part of the United States.

TREATY.

HIS *Britannic* majesty, and the *United States* of *America*, being equally desirous to promote and perpetuate the good understanding and friendship which happily subsist between the subjects of the *United Kingdom* and the citizens of the *United States*, and for that purpose to regulate the commerce and navigation between their respective countries, territories, and people, on the basis of reciprocity and mutual convenience, have respectively named their plenipotentiaries, and have given to them full powers to make and conclude a treaty of Amity, Navigation, and Commerce; that is to say, his *Britannic* majesty has named for his plenipotentiaries Henry Richard Vassal lord Holland, one of his majesty's privy council and lord keeper of his majesty's privy seal; and William lord Auckland, one of his majesty's privy council, and president of the committee of council for all matters of trade and foreign plantations; and the president of the *United States*, by and with the advice of the senate thereof, hath appointed for their plenipotentiaries James Monroe and William Pinkney, commissioners extraordinary and plenipotentiaries; who, after having exchanged their respective full powers, have agreed on the following articles:

ARTICLE I.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between his *Britannic* majesty and the *United States* of *America*, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of persons or places.

ARTICLE II.

It is agreed, that the several articles of the treaty of amity, commerce, and navigation, between his majesty and the *United States*, made at London on the 19th day of November 1794, *which have not expired*; *nor as yet had their full operation and effect*, shall be confirmed in their best form, and in their full tenour; and that the contracting parties will also from time to time enter into friendly explanations on the subject of the said articles, for the purpose of removing *all such doubts as may arise or have arisen*, as to the true purport of the same, as well as for the purpose of rendering the said articles *more conformable to their mutual wishes and convenience*.

ARTICLE III.

His majesty agrees, that the vessels belonging to the *United States* of *America*, *and sailing direct from the said states*, shall be admitted and hospitably received in all the sea ports and harbours of the *British* dominions in the *East Indies*; and that the citizens of the said *United States* may freely carry on a trade *between the said territories and the said United States*, in all articles of which the importation or exportation respectively to and from the said territories shall not be entirely prohibited; provided only, that it shall not be lawful for them, in any time of war between the *British* government and any power or state whatever, to export from the said territories, without the special permission of the *British* government there, any military stores, or naval stores, or rice. The citizens of the *United States* shall pay for their vessels, when admitted into the said ports, no other or higher tonnage than shall be payable on *British* vessels, when admitted into the ports of the *United States*; and they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in *British* vessels. But it is expressly agreed, that the vessels of the *United States* shall not carry any of the articles exported by them from the said *British* territories to any port or place, except to some port or place in *America where the same shall be unladen*, and such regulations shall be adopted by both parties as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation.

It is also understood, that the permission granted by this article is not to extend to allow the vessels of the *United States* to carry on any part of the coasting trade of the said *British territories*, but the

vessels going out with their *original* cargoes or part thereof *from one port or discharge to another*, are *not* to be considered as carrying on the *coasting* trade. Neither is this article to be construed to allow the citizens of the said states to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the *British* government established there; and if any transgressions should be attempted against the regulations of the *British* government in this respect, the observance of the same shall and may be enforced against the citizens of *America* in the same manner as against *British* subjects or others transgressing the same rule. And the citizens of the *United States*, whenever they arrive at any port or harbour in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction, of whatever nature, established in such harbour, port, or place, according as the same may be. The citizens of the *United States* may also touch for *refreshment* at the island of *Saint Helena*, but subject in all respects to such regulations as the *British Government* may from time to time establish there.

Article iv.

There shall be between all the dominions of his majesty *in Europe* and the territories of the *United States*, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively shall have liberty freely and exclusively, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers within the dominions and territories *aforesaid*, to enter into the same, to resort there, and to remain and reside there without any limitation of time; also to hire and possess houses and warehouses for the purpose of their commerce; and generally, the merchants and traders on each side shall enjoy the most complete protection and security for their commerce, but subject always as to what respects this article to the laws and statutes of the two countries respectively.

Article v.

It is agreed, that *no other or higher* duties shall be paid by the ships or merchandize of the one party in the ports of the other, than such as are paid by the like vessels or merchandize *of all other nations*. Nor shall any other or higher duty be imposed in one country on the importation of any articles, the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles, being of the growth, produce, or manufacture of *any other foreign* country.

Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, *which shall not equally extend to all other nations*. But the *British* government reserves to itself the right of imposing on

American vessels entering into *British* ports *in Europe* a tonnage duty equal to that which shall at any time be payable by *British* vessels in the ports of *America*; and the government of the *United States* reserves to itself a right of imposing on *British* vessels entering into the ports of the *United States* a tonnage duty equal to that which shall at any time be payable by *American* vessels in the *British* ports *in Europe*.

It is agreed, that in the trade of the two countries with each other, the same duties of exportation and importation on all goods and merchandize, and also the same drawbacks and bounties, shall be paid and allowed in either country, whether such importation or exportation shall be made in *British* or *American* vessels.

Article VI.

The high contracting parties *not having* been able to arrange at present, by treaty, any commercial intercourse between the territories of the *United States* and his majesty's *islands and ports in the West Indies*, agree that, until that subject shall be regulated in a satisfactory manner, *each* of the parties shall remain in the complete possession of its rights, in respect to such an intercourse.

Article VII.

It shall be free for the high contracting parties respectively to appoint consuls for the protection of trade, to reside in the dominion and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function; but before any consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent: and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other the reasons for the same.

Either of the parties may except from the residence of consuls, such particular places as such party shall judge proper to be excepted.

Article VIII.

It is agreed, that in all cases where vessels shall be captured or detained *on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war*, or for *other* lawful cause, the said vessel shall be brought to the nearest or most convenient port; *and if any property of an enemy should be found on board such vessel*, that part only which *belongs to the enemy*, or is *otherwise* confiscable, shall be made prize, and the vessel, unless by law subject to condemnation, shall be at liberty to proceed with the remainder of the cargo, without any impediment. And it is agreed, that all proper measures shall be taken to prevent

delay in deciding the cases of ships and cargoes so brought in for adjudication, and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships.

It is also agreed, that in all cases of unfounded detention, or other contravention of the regulations stipulated by the present treaty, the owners of the vessel and cargo so detained shall be allowed damages proportioned to the loss occasioned thereby, together with the costs and charges of the trial.

Article IX.

In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprized all arms and implements serving for the purposes of war by land or by sea, such as cannon, musquets, mortars, petards, bombs, grenadoes, carcasses, carriages for cannon, musquet rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, head pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, belts, and generally all other implements of war; as also timber for ship building, copper in sheets, sail cloth, hemp, and cordage, and in general (with the exception of unwrought iron and fir planks; and also with the exception of *tar and pitch*, when not going to a port of naval equipment, in which case they shall be entitled to pre-emption) whatever may serve directly to the equipment of vessels; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy; but no vessel shall be detained on pretence of carrying contraband of war, unless some of the above-mentioned articles not excepted, are found on board of the said vessel at the time it is searched.

Article X.

Whereas in consideration of the distance, and other circumstances incident to the situation of the high contracting parties, it may frequently happen that vessels may sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after such notice she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper; nor shall any vessel or goods of either party, that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

Neither of the parties when at war, shall, during the continuance of the treaty, take from on board the vessels of the other, the subjects of the opposite belligerent, unless they be in the actual employment of such belligerent.

ARTICLE XI.

Whereas differences have arisen concerning the trading with the colonies of his majesty's enemies, and the instructions given by his majesty to his cruizers in regard thereto; it is agreed, that, *during the present hostilities*, all articles of the growth, produce, and manufacture of *Europe*, not being contraband of war, may be freely carried from the *United States* to the port of any colony not blockaded, belonging to his majesty's enemies.

Provided such goods shall previously have been entered and landed in the *United States*, and shall have paid the ordinary duties on such articles so imported for home consumption, and on re-exportation shall after the drawback remain subject to a duty equivalent to not less than one per cent. *ad valorem*, and that the said goods and the vessel conveying the same shall, from the time of their clearance from the *American* port, be *bona fide* the property of citizens and inhabitants of the *United States*: And in like manner, that all articles not being contraband of war, and being the growth and produce of the enemy's colonies, may be brought to the *United States*, and after having been there landed, may be freely carried from thence to any port of *Europe* not blockaded, provided such goods shall previously have been entered and landed in the said *United States*, and shall have *paid* the ordinary duties on colonial articles so imported for home consumption, and on re-exportation shall, after the drawback, remain subject to a duty equivalent to not less than two per cent. *ad valorem*; and provided that the said goods and the vessel conveying the same, be *bona fide* the property of citizens and inhabitants of the *United States*.

Provided always, that this article, or any thing therein contained, shall not operate to the prejudice of any right belonging to either party; but that, after the expiration of the time limited for the article, the rights on both sides shall revive and be in full force.

ARTICLE XII.

And whereas it is expedient to make special provisions respecting the maritime jurisdiction of the high contracting parties on the coasts of their respective possessions in *North America*, on account of peculiar circumstances belonging to those coasts, it is agreed that in all cases where one of the said high contracting parties shall be engaged in war, and the other shall be at peace, the belligerent power shall not stop, *except for the purpose hereafter mentioned*, the vessels of the neutral power, or the unarmed vessels of other nations within five miles from the shore belonging to the said neutral power on the *American* seas.

Provided that the said stipulation shall not take effect in favour of the ships of any nation or nations which shall not have agreed to respect the limit aforesaid as the line of maritime jurisdiction of the said

neutral state. And it is further stipulated, that if either of the high contracting parties shall be at war with any nation or nations which shall have agreed to respect the said special limit or line of maritime jurisdiction herein agreed upon, such contracting party shall have the right to stop or search any vessel beyond the limit of a cannon shot or three marine miles from the said coasts of the neutral power, for the purpose of ascertaining the nation to which such vessel shall belong. And with respect to the ships and property of the nation or nations not having agreed to respect the aforesaid line of jurisdiction, the belligerent power shall exercise the same rights as if this article did not exist; and the several provisions stipulated by this article shall have full force and effect only during the continuance of the present treaty.

Article xiii.

With respect to the searching of merchant ships, the commanders of ships of war and privateers shall conduct themselves *as favourably as the course of the war then existing may possibly permit towards the most friendly power that may remain neuter*, observing as much as possible the acknowledged principles and rules of the law of nations. And for the better security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and if they act to the contrary, they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages and the interest thereof, of whatever nature the said damages may be.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be compelled to give, before a competent judge, sufficient security, by at least two respectable sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of two thousand pounds sterling; or, if such ship be provided with above one hundred and fifty seamen, or soldiers, in the sum of four thousand pounds sterling, to satisfy all damages and injuries, which the said privateers, or officers, or men, or any of them, may do or commit during their cruize, contrary to the tenour of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions, the said commissions shall be revoked and annulled.

It is also agreed, that whenever a judge of a court of admiralty of either of the parties shall pronounce sentence against any vessel or goods or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel without the smallest delay, he paying all legal fees and demands for the same,

ARTICLE XIV.

It is further agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbour, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandizes taken by them, and brought into the ports of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or the factors or agents duly deputed, and authorized in writing by them, (proper evidence being shewn in the court of admiralty, for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe, or suspect that they had been piratically taken.

ARTICLE XV.

It is likewise agreed, that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party, nor shall the enemies of one of the parties be permitted to invite or endeavour to enlist in the military service any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letter of marque, as a pirate.

ARTICLE XVI.

It is expressly stipulated that neither of the said contracting parties will order or authorise any acts of reprisal against the other on complaint of injuries and damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ARTICLE XVII.

The ships of war of each of the contracting parties shall at times be hospitably received in the ports of the other, their officers and

crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear. And if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And both contracting parties agree, that in case any vessel of the one should, by stress of weather, danger from enemies, or other misfortunes, be reduced to the necessity of seeking shelter in any of the ports of the other, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received, and permitted to refit, and to purchase at the market price such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe.

She shall not be allowed to break bulk or unload her cargo, unless the same shall be *bona fide* necessary to her being refitted; nor shall she be obliged to pay any duties whatever, except on such articles as she may be permitted to sell for the purpose aforesaid.

Article xviii.

It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any power or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

Article xix.

It shall be lawful for the ships of war and privateers, belonging to the said parties respectively, to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fees to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or seized; nor shall the searchers, or other officers of those places, visit such prizes (except for the purpose of preventing the carrying of any part of the cargo thereof on shore, in any manner contrary to the established laws of revenue, navigation, or commerce); nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew.

No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said par-

ties, but if forced by stress of weather or the dangers of the sea to enter them, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall however be construed to operate contrary to the former and existing public treaties with other sovereigns or states: but the two parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding articles.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon-shot of the coast, nor within the jurisdiction described in Article XII. so long as the provisions in the said article shall be in force, by ships of war or others having commissions from any prince, republic, or state whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated shall use his utmost endeavours to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

Article XX.

If at any time a rupture should take place (which God forbid) between his majesty and the *United States*, the merchants and others of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade, so long as they do it peaceably, and commit no offence against the laws; and, in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months from the publication of the order shall be allowed them for the purpose to remove them with their families, effects, and property; but this favour shall not be extended to those who shall act contrary to the established laws. And for greater certainty, it is declared, that such rupture shall not be deemed to exist while negotiations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degree of which both parties retain their rights, either to request the recall or immediately to send home the ambassador or minister of the other, and that without prejudice to their mutual friendship and good understanding.

Article XXI.

It is further agreed, that his majesty and the *United States*, on mutual regulations by them respectively, or by their respective ministers or officers authorised to make the same, will deliver up to justice all

persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other; provided that this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expence of such apprehension and delivery shall be borne and defrayed by those who make the requisition, and receive the fugitive.

ARTICLE XXII.

In the event of a shipwreck happening in a place belonging to one or other of the high contracting parties, not only every assistance shall be given to the unfortunate persons, and no violence done to them, but also the effects which they shall have thrown out of the ship into the sea shall not be concealed or detained nor damaged under any pretext whatever; on the contrary the above-mentioned effects and merchandize shall be preserved and restored to them, upon a suitable recompence being given to those who shall have assisted in saving their persons, vessels and effects.

ARTICLE XXIII.

And it being the intention of the high contracting parties that the people of their respective dominions shall continue to be on the footing of the most favoured nation, it is agreed that, in case either party shall hereafter grant any additional advantages, in navigation or trade, to any other nation, the subjects or citizens of the other party shall fully participate herein.

ARTICLE XXIV.

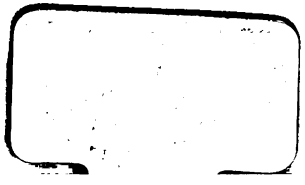
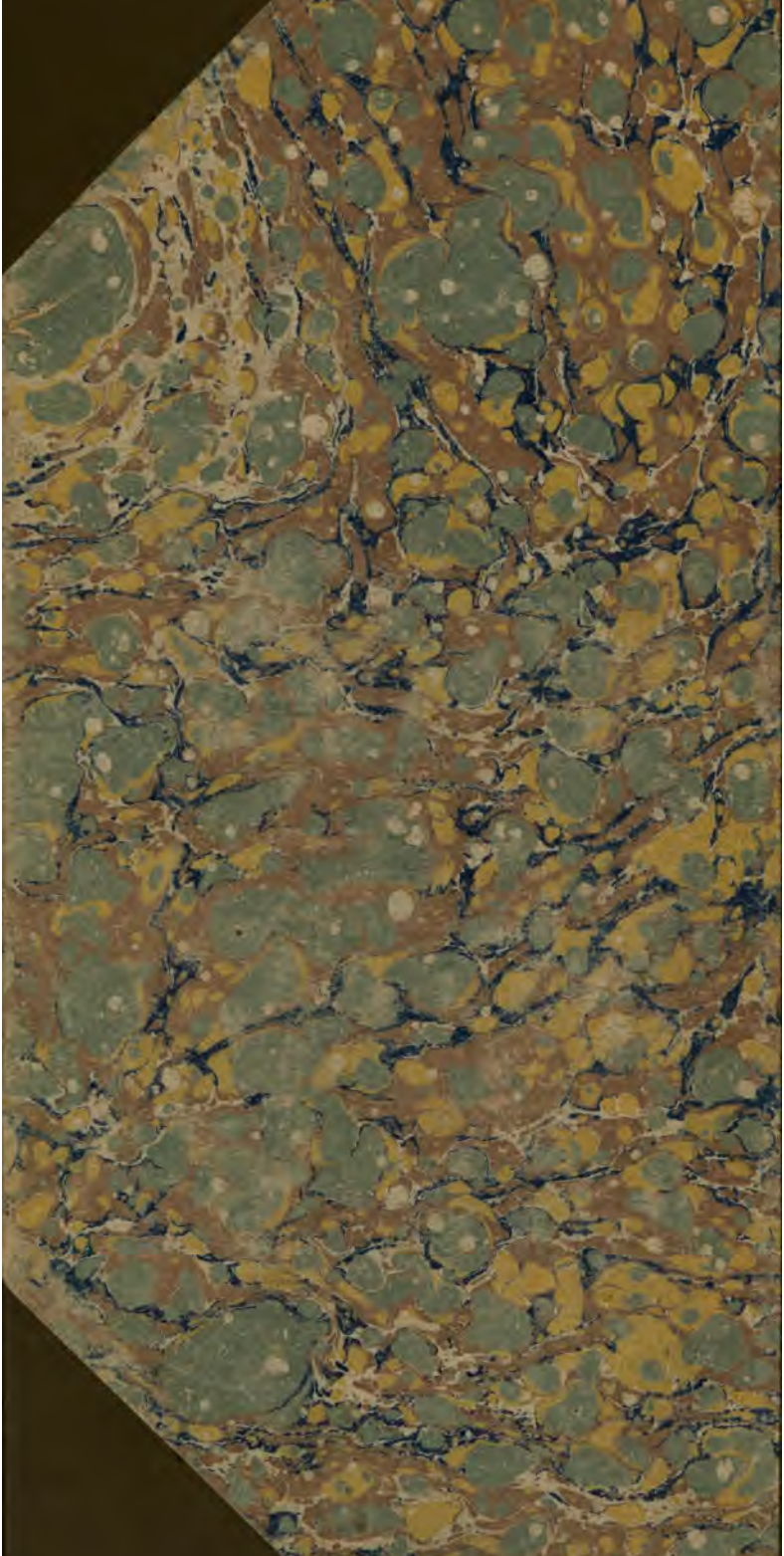
The high contracting parties engage to communicate to each other, without delay, all such laws as have been or shall be hereafter enacted by their respective legislatures, as also all measures which shall have been taken, for the abolition or limitation of the *African* slave trade; and they further agree to use their best endeavours to procure the co-operation of other powers for the final and complete abolition of a trade so repugnant to the principles of justice and humanity.

ARTICLE XXV.

And it is further agreed, that nothing herein contained shall contravene or affect the due execution of any treaty or treaties now actually subsisting between either of the high-contracting parties and any other power or powers.

ARTICLE XXVI.

This treaty, when the same shall have been ratified by his majesty, and by the president of the *United States*, with the advice of their senate, and their respective ratifications mutually exchanged, shall be binding and obligatory on his majesty and on the said states for *ten years*, from the date of the exchange of the said ratification, and shall be reciprocally executed and observed with punctuality, and the most sincere regard to good faith.

THE END

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